

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURMCRCA No. 356 of 2020

- Shashikant Ratre S/o Udhokal Ratre Aged About 33 Years R/o Majgaon, Police Station - Sahaspur Lohara, Tahsil - S. Lohara, District - Kabirdham Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station - Bodla, District - Kabirdham Chhattisgarh

---- Respondent

MCRCA No. 377 of 2020

- Jageshwar Patel (Wrongly Mention As Jaleshwar Patel In Annexure A/01) S/o Shri Ghurwaram Patel, Aged About 21 Years Caste- Marar, R/o Village- Ghughrikala, Police Station And Tahsil- Kawardha, District- Kabirdham, Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station- Bodla, District Kabirdham, Chhattisgarh

---- Respondent

MCRCA No. 418 of 2020

- Hemant Kumar Raj S/o Shri Chaitram Raj, Aged About 53 Years R/o Chhattisgarh Warehousing Corporation, Bodla, District Kabirdham, Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Bodla, District Kabirdham, Chhattisgarh

---- Respondent

MCRCA No. 649 of 2020

- Arvinder Singh Chhabra S/o Harjinder Singh Chhabra Aged About 35 Years R/o Bahadurganj, Ward No. 26, Kawardha, Police Station- Kawardha, District- Kabirdham, Chhattisgarh

---- Petitioner**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station- Bodla, District- Kabirdham, Chhattisgarh

---- Respondent

For Respective Applicants	Mr. Dharmesh Shrivastava and Mr. Hemant Kesharwani, Advocates
For Respondent /State	Mr. K.K. Singh, Government Advocate

Proceedings through Video Conferencing

SB: Hon'ble Mr. Justice Prashant Kumar Mishra
Order On Board

26/6/2020

1. Heard.
2. These are the four applications filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the applicants, who are apprehending their arrest in connection with Crime No.25/2020, registered at Police Station Bodla, District Kabirdham (CG) for the offence punishable under Section 3/7 of the Essential Commodities Act, 1955 and Sections 120-B, 406, 420 of IPC.

MCRCA No.377 of 2020

MCRCA No. 356 of 2020 and others

3. At the outset, Mr. Hemant Kesharwani, learned counsel appearing on behalf of applicant Jageshwar Patel in MCRCA No.377 of 2020, seeks permission to withdraw this bail application. He further submits that in the event of surrender of applicant Jageshwar Patel, his bail application may be considered on the same day.
4. Having considered the submission, MCRCA No.377 of 2020 preferred by applicant Jageshwar Patel is dismissed, as withdrawn. However, it is observed that in the event, the applicant surrenders and apply for regular bail, the Sessions Court shall consider his case expeditiously.

MCRCA Nos.356, 418 & 649 of 2020

5. As per the prosecution case, different quantities of food articles total 319 quintals were dispatched from State Ware Housing Corporation Godown, Gram Panchayat, Mandla Tola to different fair price shops. The transporting was to be carried out by the Transport Contractor applicant Arvinder Singh Chhabra. The quantities were loaded in three trucks bearing registration Nos.CG 09 B-2191, CG 09 B-0991 and CG 09 B-1691. In the course of transportation, the SDO(Revenue), Bodla and Naib Tehsildar, Bodla received secret information that certain quantities of rice have been unloaded from the trucks. On a raid being conducted, it was found that in truck No.CG 09 B-2191, 60 quintals of rice valued at Rs.2,40,000/- was found short and the same has been loaded in truck No.CG 09 JC-2177. The entire

misappropriation and unloading of rice was done after the first weighment so that on papers, the quantity of rice should appear to be the same as was loaded from the godown of the State Warehousing Corporation.

6. The Investigating Officer has recorded the statement of the driver and other witnesses, who have clearly implicated the present applicants. Applicant Shashikant Ratre is the Incharge of the State Civil Supplies Corporation Centre, Bodla, whereas, applicant Arvinder Singh Chhabra is the Transporter and applicant Hemant Kumar Raj is the Branch Manager of the State Warehousing Corporation.
7. There is *prima facie* material proving complicity of the applicants in the criminal act of misappropriation of rice meant for distribution to public through fair price shops.
8. Considering the gravity of the offence, this Court is not inclined to extend the benefit of Section 438 of Cr.PC to applicants Shashikant Ratre, Arvinder Singh Chhabra and Hemant Kumar Raj.
9. The applications are dismissed. Sd/-

(Prashant Kumar Mishra)

Judge