

**HIGH COURT OF CHHATTISGARH, BILASPUR**  
**MCRCA No. 478 of 2020**

1. Smt. Shubha Dubey W/o Surendra Dubey, Aged About 35 Years R/o Village Koyalari, Thana Bhaiyathan District Surajpur Chhattisgarh., District : Surajpur, Chhattisgarh.
2. Surendra Prasad Dubey, S/o Bhagwan Prasad Dubey Aged About 50 Years R/o Village Koyalari, Thana Bhaiyathan District Surajpur Chhattisgarh.

**---- Applicants**

**Versus**

The State Of Chhattisgarh, Through Police Station Jhilmili, District Surajpur Chhattisgarh.

**---- Respondent**

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| For Applicants       | : Mrs. Bhavika Kotecha, Advocate.      |
| For Respondent/State | : Mr. Mateen Siddiqui, Additional A.G. |

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**Hon'ble Shri Justice Arvind Singh Chandel**  
**Order On Board**

**17/06/2020**

1. The applicants have filed bail application for grant of anticipatory bail under Section 438 of the Cr.P.C. as they are apprehending their arrest in connection with crime no. 89/2019, registered at Police Station Jhilmili, District Surajpur (C.G.) for the offence punishable under Sections 3 & 7 of the Essential Commodity Act and Sections 409, 120-B and 34 of the IPC added later on.
2. According to the case of prosecution, the applicants were running a Fair Price Shop at village Karkoti. Allegedly, instead of storing the food articles at shop, they had stored the grains to their house. On the basis of said background, initially offence under Sections 3 & 7 of the Essential Commodity Act has been registered against them. Thereafter, the applicants have preferred applications under Section 438 of the Cr.P.C. for grant of anticipatory bail before this Court and vide orders dated 28.11.2019 & 31.01.2020 passed in MCRCA Nos. 1457/2019 & 2155/2019, the applicants were granted benefit of anticipatory bail by this Court respectively.
3. Learned counsel appearing on behalf of the applicants submits that the applicants are innocent and have been falsely implicated in the present case. She further submits that there is no material available on record on the basis of which prima facie offence under Sections 409 & 120-B of the IPC can be made out against them. The Counsel lastly submits that the applicants have already granted benefit of anticipatory bail for the offence punishable under Sections 3 &

7 of the Essential Commodity Act and not misused the liberty granted to them. Hence, it is prayed that they may also be granted benefit of anticipatory bail for the offence punishable under Sections 409, 120-B and 34 of the IPC.

4. Per contra, learned counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned Counsel for both the parties.
6. Considering the facts and circumstances of the case, evidence collected by the prosecution, arguments advanced by both the counsel appearing for the parties and further considering the fact that initially offence under Sections 3 & 7 of the Essential Commodity Act has been registered and later on Sections 409, 120-B & 34 of the IPC has been added. Without further commenting on other merits of the case, in my considered opinion, it is a fit case for grant anticipatory bail to the applicants.
7. Accordingly, the anticipatory bail application is allowed.
8. It is directed that in the event of arrest, the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs. 20,000/- with one solvent surety for the like sum to the satisfaction of the officer arresting them and they shall abide by all the following terms and conditions:-
  - I. That accused/applicants shall made themselves available for interrogation before the concerned Investigating Officer as and when required;
  - II. The accused/applicants shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
  - III. The accused/applicants shall not act, in any manner which will be prejudicial to fair and expeditious trial; and
  - IV. The applicants shall appear before the Trial Court on each and every date given to them by the said Court till disposal of the trial.

Sd/-

**(Arvind Singh Chandel)**  
**Judge**