

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 3000 of 2020

Harish Kumar Shitalani S/o Late Ramchandra Shitalani Aged About 50 Years
R/o Sakin Ward No. 5, Main Road Naila Janjgir, P.S. And Tahsil Janjgir,
District Janjgir-Champa, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through The Collector/District Magistrate, Janjgir,
District Janjgir-Champa, Chhattisgarh

---- Respondent

For Applicant	: Mr. Sumit Singh Rathore, Advocate
For Respondent/State	: Mr. Ayaz Naved, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

08/06/2020

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.170/2020, registered at Police Station – Janjgir, District – Janjgir-Champa (C.G.) for the offence punishable under Section 188 of the Indian Penal Code and Section 3 and 7 of Essential Commodities Act.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant. He was not aware and informed regarding the

rate of the articles prescribed, therefore, he has not committed any offence. It is submitted that after his arrest on 26.03.2020, the applicant has been released on parole. Hence, it is prayed that the applicant may be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted the applicant was doing black-marketing of the essential commodities at the time of pandemic, therefore, the offence committed is serious in nature. Therefore, he is not entitled for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, it is alleged that this applicant is proprietor of medical store and he was selling mask and sanitizer at an exorbitant rate ignoring the price fixed by the State Government. These articles were declared as essential commodities by the State, therefore, FIR has been lodged against him.
6. Considering the facts and circumstances of the case, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed. In case the bail bonds earlier furnished by applicant for his release on parole as per the communication of

Supreme Court in Suo-moto W.P. No.1/2020, and by the decision of High Powered Committee constituted in this respect, the same shall continue to be in force and remain effective and there shall be no requirement of furnishing fresh bail bonds as directed in this order.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram