

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3589 of 2020

- Dharamsay Nag S/o Shri Asharam Nag aged about 60 years, R/o village & Post Chikanipai, Thana, Bagbahar, District Jashpur (CG)

---- Applicant

Versus

- The State of Chhattisgarh, Through the Station House Officer Police Station – Urga, District Korba (CG)

---- Respondent

 For Applicant : Shri Sumit Shrivastava, Advocate
 For Respondent/State : Shri K.K. Singh, G.A.

Hon'ble Smt. Justice Rajani Dubey
Order On Board

02.07.2020

1. The default pointed out by the Registry is overruled.
2. Heard.
3. Admit.
4. This is the first bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No.332/2019, registered at Police Station, Urga, District Korba(CG) for the offence punishable under Sections 457, 380, 411, 413, 120-B of the IPC and Sections 3, 7 of the Essential Commodities Act.
5. As per the case of prosecution, the applicant along with other co-accused persons has misappropriated 150 kg Rice kept in 3 bags amounting to Rs.15,000/- and kept in his Kirana Shop for sale, which was to be distributed to the B.P.L. Card holders under the govt. Scheme

6. Learned counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated in the case. He submits that the main allegations are against other co-accused person and the applicant had no knowledge that the rice belongs to PDS or not. He further submits that the co-accused persons have been released on bail by this Court in MCRC No.1064/2020 and the applicant is in jail since 08.01.2020, and trial is likely to take some time for its final disposal, therefore, the applicant may be released on bail.
7. On the other hand, learned counsel for the State opposes the bail application. He submits that the applicant has misappropriated the food grain which was kept for distribution to the B.P.L. Card holders.
8. Perused the entire material available on record.
9. Considering the facts and circumstances of the case, in particular the nature of allegations against the applicant; the detention period of the applicant; charge sheet has been filed and the co-accused persons have been released on bail and trial is likely to take some time for its final disposal, I am of the opinion that present is a fit case to release the applicant on bail.
10. Accordingly, the bail application filed under Section 439 Cr.P.C. is allowed.
11. It is directed that the applicant shall be released on bail on his furnishing a personal bond in sum of Rs.50,000/- with one

surety in like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed till the disposal of the trial.

12. It is made clear that if the applicant has already been released on bail pursuant to the bail bonds already furnished in view of the order passed by the High Power Committee constituted in compliance of the order of the Supreme Court of India dated 23.3.2020 in the matter of **In Re : Contagion of COVID 19 Virus in Prisons** (Suo Moto Writ Petition (C) No. 1/2020), he need not furnish bail bonds afresh and the bail bonds already furnished shall be deemed to be the bail bonds furnished in compliance of the order of this Court, but if he has not furnished the bail bonds earlier, then he will be required to furnish bail bonds within four weeks from today.
13. Certified copy as per rules.

Sd/

(Rajani Dubey)
JUDGE