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HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 619 of 2020**

Yashwant Kumar Sahu S/o Late Shri Shree Banauram Sahu, aged about 52 years R/o Darbari Navagaon, P.S. Balod Tehsil and District Balod (C.G.)

---- Applicant

Versus

State of Chhattisgarh through Station House Officer Balod, District Balod (C.G.).

---- Respondent

AND**MCRCA No. 829 of 2020**

1. Smt. Anjirabai W/o Sevak ram Sahu, aged about 45 years, (C.G.)
2. Smt. Deveshwari W/o Late Tularam Sahu, aged about 50 years,
Both R/o Manod navagaon, P.S. Balod, Tehsil and District Balod (C.G.)

---- Applicant

Versus

State of Chhattisgarh through Station House Officer Balod, District Balod (C.G.).

---- Respondent

For Applicants	:	Mr. B.P. Singh, Advocate
For Respondent	:	Mr. Ghanshyam Patel, Govt. Adv.

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board**25/08/2020**

1. These matters are heard through video conferencing.
2. Since both the case arise out of same crime number, therefore, they are being decided by this common order.
3. The applicants have filed these applications under Section 438 of the Cr.P.C for grant of anticipatory bail as they are apprehending their arrest in connection with Crime No. 135/2020 registered at police

station – Gurur, District Balod (C.G.) for the offence punishable under Section 420 of the IPC and Sections 3 & 7 of the Essential Commodity Act.

4. In these cases, applicant No. 1 Smt. Anjirabai and applicant No. 2 Deveshwari (in MCRCA No. 829/2020) are president and secretary of one Women Self help group, respectively. One fair price shop was being run by the said applicants. Applicant Yashwant Kumar (in MCRCA No. 619/2020) was the sales man of the said fair price shop. According to the case of the prosecution, on 01/04/2020, Food Inspector, Balod inspected the fair price shop and found that the applicants had sold the sugar in enhanced rate of Rs. 3/- per kg to 184 beneficiaries and thereby they illegally obtained total Rs. 552/-. On the basis of the report made by the Food Inspector, offence has been registered.
5. Learned counsel appearing on behalf of the applicants submits that the applicants are innocent and have been falsely implicated in the present cases. There is no direct evidence against applicant No. 1 Smt. Anjirabai and applicant No. 2 Deveshwari (in MCRCA No. 829/2020). Applicant Yashwant is only a salesman in the said shop. Though he is responsible for selling the sugar, all the beneficiaries have executed their affidavits and deposed that due to lack of change of money, they had given Rs. 20/- per kg to the applicant, and they have no grievance against the applicants. He prays to extend the benefit of anticipatory bails to the applicants.
6. Learned counsel appearing on behalf of the State opposes the said

application.

7. I have heard counsel for the parties.
8. Considering the facts and circumstances of the case, argument advanced by counsel for the parties and further considering the nature of alleged allegation and that all the beneficiaries have executed their affidavits in favour of the applicants, without further commenting on other merit of the case, I am inclined to extend the benefit of anticipatory bail to the applicants.
9. Accordingly, the anticipatory bail applications are allowed.
10. It is directed that in the event of arrest, the applicants shall be released on bail on each of them furnishing a bond in the sum of Rs.10,000/- with one surety each 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, the accused/applicants shall make 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.
11. Certified copy, as per rules.

Sd/-
(Arvind Singh Chandel)