

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4618 of 2020**

- Narendra, S/o Late Heeralal Koushik, Aged about 44 years, R/o Village Belmundi, PS Hirri, District Bilaspur (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh, Through – Station House Officer, PS- Hirri, District Bilaspur (C.G.)

---- Respondent

For Applicant : Mr. Awadh Tripathi, Advocate.
 For Respondent/State : Mr. H.S. Ahluwalia, Dy. A.G.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****28/08/2020**

1. The accused/applicant has moved this first bail application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 42/2020 registered at Police Station- Hirri, District Bilaspur (C.G.) for the offence punishable under Sections 420 and 406 of the IPC under Sections 3 and 7 of the Essential Commodities Act.
2. The prosecution story in brief is that, the present applicant was appointed to the post of Salesman in Government Fair Price Shop, village Kharkhena. On 06.03.2019 and since then he has been responsible for distribution of food items to the beneficiaries. It has been alleged that the applicant in the month of May, 2020 has taken the food items from the go-down for the purpose of distributing to the beneficiaries, but he has not made any distribution of the food items to the beneficiaries and thereby has embezzled the food items, upon physical verification by the Food Officer it has been found that there is shortage and the stock of rice, sugar, salt and kerosene amounting to Rs. 14,71,624/- upon such complaint the police has recorded the aforesaid offence.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that the applicant has produced documents relating to distribution of food items to beneficiaries but only on the basis of that documents produced by the applicant are not cleared and verified. He next submits that the applicant is in jail since 18.04.2020, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.
4. On the other hand, counsel for the State opposes the bail application and submits that the allegation against the applicant is of serious in nature; therefore, no case is made out for grant of bail.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of applicant and further considering that the applicant is in jail since 18.04.2020, and the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.
7. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 50,000/- with one local surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court.

Sd/-
(Rajani Dubey)
Judge