

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 929 of 2020

1. Rajendra Kumar Mahawar S/o Harishchandra Mahawar, aged about 60 years, R/o Purana Bus Stand, Ratanpur, District : Bilaspur, Chhattisgarh
2. Jatin Mahawar S/o Kishore Mahawar, Aged About 28 Years R/o Purana Bus Stand, Ratanpur, District : Bilaspur, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh Through Its Station House Officer, P.S.-
Ratanpur, District : Bilaspur, Chhattisgarh.

---- Respondent

For Applicants	: Mr. Sourabh Sharma, Advocate.
For Respondent/State	: Mr. Ghanshyam Patel, G.A.
For Objector	: Mr. Raza Ali, Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

03.09.2020

1. The matter is heard through Video Conferencing.
2. The applicants have filed this First 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.432/2020, registered at Police Station: Ratanpur, District: Bilaspur (C.G.) for the offence punishable under Section 03 & 07 of the Essential Commodities Act, 1955.
3. According to the case of prosecution, on 05.07.2020, an FIR has been lodged by the Assistant Food Inspector, alleging therein that on 02.06.2020, an enquiry was made with respect to illegal storage of rice in the office of Ghanshyam Ratre, President, Municipal Council- Ratanpur. During the work of inspection it was found that total 64 plastic bags of rice was found inside the office room and 07 jute bags of rice was found in the wash-room situated inside the office of

Ghanshyam Ratre. It is also alleged that, on the date of inspection total 9.15 Quintal of Rice shortage was found. Allegations against the present Applicants is that at the time of incident Applicant No.1 was the manager of PDS shop Rani Durgawati and Applicant No.2 was the manager of Mahamaya Upbhokta Bhandar and they have sold the empty jute bags which were against the rules. On the basis of said, offence has been registered.

4. Learned counsel appearing on behalf of the applicants submits that the applicants are falsely implicated in the present case. He submits that with regard to the inspection report (Annexure A-4), on the date of incident inspection was conducted due to which entries were not made that is why there was shortage of rice. With regard to the empty gunny bags which he had sold, he submits that because of the lockdown, he sold it bonafidely to the consumers for storage. He further submits that main accused of the case has been already granted regular bail from the concerned lower Court itself therefore, he prays for grant of anticipatory bail to the Applicants.
5. Per contra, learned counsel appearing on behalf of State as well as for the Objector opposes the bail application.
6. I have heard learned Counsel for the parties.
7. Considering the facts and circumstances of the case, arguments advanced by the counsel for the parties, considering the nature of case and further considering the fact that main accused of the case has already been granted benefit of regular bail by the concerned Lower Court itself, 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.
8. Accordingly, the anticipatory bail application is allowed.
9. It is directed that in the event of arrest, the applicants shall be released on bail on furnishing a personal bond in the sum of Rs. 25,000/- with one 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 the 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

Saurabh