

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1017 of 2020**

- Ravindra Diwan S/o Shri Narendradhar Diwan, Age 41 Years R/o Village Ghusera , Post Temri , Tahsil Abhanpur , Police Station Mujgahan, District Raipur Chhattisgarh.

---- Petitioner**Versus**

- State Of Chhattisgarh Through Police Station Mujgahan , District Raipur Chhattisgarh.

---- Respondent

For Applicant	Mr. Devershi Thakur, Advocate
For Respondent /State	Mr. Sameer Uraon, Government Advocate

SB.: Hon'ble Mr. Justice Prashant Kumar Mishra
Order On Board**19/11/2020**

1. Heard.
2. This is an application filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the applicant, who is apprehending his arrest in connection with Crime No.115/2020 registered at Police Station PS-Mujgahan, Raipur (CG) for the offence punishable under Sections 3, 7 of the E.C. Act and 409 of the IPC.
3. At the relevant time, the applicant was a licensee under the Chhattisgarh Public Distribution System (Control) Order, 2004. During physical verification, the shop was found to be short of 193.72 quintals of rice and 90 Kg of sugar. The applicant was

issued notice but he could not satisfy the authorities about the shortage of the above commodities, therefore, an FIR has been lodged against him.

4. Mr. Devershi Thakur, learned counsel for the applicant, would submit that at the relevant time there was requirement of making entries in the tablet provided to the shopkeepers. Therefore, the applicant, who was earlier making entries in the register, could not make the entries in the tablet and this is the precise reason for technical shortage in the shop. He would also submit that the offence attracts maximum punishment of RI for one year, therefore, the applicant, who is presently deprived of his license, may be released on anticipatory bail.
5. Per contra, Mr. Sameer Uraon, learned Government Advocate for the State, would submit that the applicant was not present at the time of inspection. The Sarpanch of the concerned village informed the Police that the register is lying with the applicant. According to him, the villagers have complained of non-receipt of essential commodities through the Fair Price Shop, therefore, the inspection was carried out and the shortage was found.
6. Having heard learned counsel for the parties and on perusal of the diary, it appears from the statement of the Sarpanch himself that the physical register was separately maintained. This corroborated the applicant's contention that the entries were made in the physical register, which could not be transferred in the tablet at the time of inspection.

7. Considering that the applicant has already been deprived from the license; the offence is triable by the Judicial Magistrate First Class carrying maximum punishment of one year; and the applicant's custodial interrogation does not seem to be necessary, I am inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.
8. Accordingly, the application is allowed and it is directed that in the event of arrest of the applicant, he shall be released on anticipatory bail on his furnishing a personal bond for a sum of Rs.50,000/- with one surety in the like sum to the satisfaction of the Arresting Officer with the following conditions :-
- (i) he shall make himself available for interrogation by a Police Officer as and when required;
 - (ii) he 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 for disclosing such facts to the Court or to any Police Officer.
 - (iii) he shall not influence the witnesses during pendency of the trial.

Certified copy as per rules.

Sd/-

(Prashant Kumar Mishra)

Judge