

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1043 of 2020**

- Harish Sethia S/o Shri Padam Singh Satheya, Aged About 35 Years R/o Village / Thana - Gadiras Tahsil / District – Sukma, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through - Police Station Gadiras, District - Sukma Chhattisgarh.

---- Respondent

For Applicant	: Shri T.K. Jha, Advocate
For Respondent/State	: Shri Ghanshyam Patel, G.A.

Hon'ble Shri Justice Arvind Singh Chandel**Order On Board****06/10/2020**

1. Heard through video conferencing.
2. The applicant has preferred the first bail application under Section 438 of Cr.P.C. for apprehending arrest in connection with Crime No. 06/2020 registered at Police Station Gadiras, District – Sukma, (C.G.) for the offence punishable under Sections 409, 34 of the Indian Penal Code and Sections 3 & 7 of Essential Commodities Act.
3. According to the case of the prosecution, the Food Inspector, Sukma lodged a report on 22.4.2020 at police station Gadiras that for the year 2019-2020 paddy procurement was started from 1st December, 2019 and in the paddy procurement Center Gadiras total 25,249.40 quintals paddy was purchased and out of which 24,520.00 quintal paddy had been transported by the rice millers earlier. Therefore, 729.10 quintals

of paddy should have been in the stock of paddy procurement center. On physical verification, no paddy was found in the stock. Thereafter, matter was reported by the Food Inspector and on the basis of the said, offence has been registered.

4. Learned Counsel appearing for the applicant submit that applicant is innocent and has been falsely implicated in the present case. He further submits that *prima facie*, no case is made out against present applicant. Applicant was posted as Data Entry Operator and he has played no role in purchasing the paddy. At the relevant time one Shekhar Chandra was the purchase Incharge of the said Procurement Center. Since, applicant has played no role in purchasing of paddy therefore, he is not responsible for any shortage of paddy in the paddy procurement center. Therefore, it is prayed that applicant may be granted benefit of anticipatory bail.
5. Learned Counsel appearing for the State opposes the anticipatory bail application.
6. I have heard learned Counsel appearing for the parties and perused the material available.
7. Taking into consideration the submissions put-forth on behalf of the parties, considering the facts and circumstances of the case, evidence collected by the prosecution and on perusal of contents of the F.I.R., appointment letters of applicant and Shekhar Chandra, it appears that at the relevant time, Shekhar Chandra was posted as purchasing Incharge of Paddy Procurement Centre and applicant was only posted

as Data Entry Operator, therefore, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present applicant.

8. Accordingly, the anticipatory bail application is allowed.

9. It is directed that in the event of arrest of the applicant in connection with the aforesaid crime, he shall be released on anticipatory bail on furnishing a personal bond in the sum of Rs. 20,000/- with one solvent surety for the like sum to the satisfaction of the Arresting Officer/Presiding Officer of the concerned trial Court. He shall also abide by all the following terms and conditions :

- (i) 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 from disclosing such fact to the Court,
- (ii) He shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) He shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-
(Arvind Singh Chandel)
Judge