

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7276 of 2020**

- Maan Singh Sinha S/o Dular Ram Sinha Aged About 33 Years Resident Of Village- Vijaypur, Police Station- Chhura, District- Gariyaband, Chhattisgarh

---- Applicant**Versus**

- State of Chhattisgarh Through- Station House Officer, Police Station- Fingeshwar, District- Gariyaband, Chhattisgarh

---- Respondent

For Applicant	:	Mr. Raghavendra Pradhan, Advocate.
For State	:	Mr. D.K. Tiwari, Dy. Govt. Advocate

Hon'ble Shri Justice Gautam Chourdiya**Order on Board****4-12-2020**

1. Learned counsel for the applicant submits that he has already filed certified copy of the impugned order though with some delay.
2. On due consideration, the default as pointed out by the Office is overruled.
3. The applicant has filed this first bail application under Section 439 of Cr.P.C. in connection with Crime No.136/2020 registered at Police Station Fingeshwar, District- Gariyaband (C.G.) for the offence punishable under Sections 379, 407, 409, 411, 414, 34 of Indian Penal Code and under Section 3/7 of the Essential Commodities Act.

4. Case of the prosecution, in brief, is that during surprise checking by the Officers of Food Department vehicle bearing registration No. CG -04-JA-4727 was intercepted at Chhura Kundel Road, in which certain food grains to be distributed through ration card holders under public distribution system were found. However, no valid documents was produced in this regard. Hence, on the report of Food Officer S. Zafar Khan at Police Station Fingeshwar offence under the aforesaid Section has been registered.

The allegation against the present applicant is that he along with other co-accused persons shifted the food grains to be distributed under the public distribution system from truck bearing registration No.CG-04-JC-6704 and another truck bearing registration no. CG-04-JC-0518 to the truck bearing registration no. CG-04-JA-4727 for the purpose of illegally selling the same.

5. Learned counsel for the applicant submits that present applicant is falsely implicated in the case. The applicants is in jail since 14.09.2020 and conclusion of trial is likely to take some time. He would further submit that the similarly situated co-accused namely Saurabh Jain, Manish Tandon, Vedvyas and Yashvant Dhruw have already been granted regular bail vide order dated 08/10/2020 in MCRC No. 5992/2020, MCRC No. 5970/2020, MCRC No. 6130/2020 and MCRC No. 6272/2020 by co-ordinate Bench of this Court and further, this Court has also granted regular bail to the applicants namely Gulshan Nishad and Nemu Ram in MCRC No.8162 of 2020 vide order dated 02.12.2020. Therefore, present applicant be also released on bail on the ground of parity.

6. On the other hand, learned State Counsel opposes the prayer for grant of bail.
7. Having considered the submission made by learned counsel for the parties, having regard to the facts and circumstances of the case, the detention period of the applicant and in particular the fact that similarly situated co-accused persons have already been released on bail by this Court, therefore, without expressing any opinion on the merits of the case, the bail application is allowed.
8. It is directed that in the event of the applicant executing a personal bond for a sum of Rs. 50,000/- with two sureties of Rs. 25,000/- to the satisfaction of the concerned trial Court, he shall be released on bail on the following conditions:-
 - (a) 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.
 - (b) He shall not act in any manner which will be prejudicial to fair and expeditious trial, and
 - (c) He shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.
 - (d) He shall not involve himself in any offence of similar nature in future.

Sd/-

(Gautam Chourdiya)
Judge

Raju