

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6782 of 2020**

- Devkaran Kumeti, S/o Shri Kanwal Singh Kumeti, aged about 28 Years, R/o Village Maradev, P.S. Naharpur, District Kanker, Chhattisgarh.

----Applicant

Versus

- State of Chhattisgarh, Through Police Station Fingeshwar, District Gariaband, Chhattisgarh.

---- Respondent

For Applicant
For State

Shri Pragalbha Sharma, Advocate.
Shri Devesh Verma, Government Advocate.

MCRC No. 6946 of 2020

1. Arjun Joshi, aged about 31 Years, S/o Shri Kunjela Joshi, R/o Village Kurra (Patewa) Police Station Gobra Navapara, District (Civil and Revenue) Raipur Chhattisgarh.
2. Diamond Kumar Sahu, aged about 27 Years, S/o Shri Chatrapal Sahu, R/o Village Piproud, Police Station Gobra Navapara, District (Civil and Revenue) Raipur Chhattisgarh.

----Applicants

Versus

- State of Chhattisgarh, Through Station Hosue Officer, Police Station Fingeshwer, District Gariaband Chhattisgarh.

---- Respondent

For Applicants
For State

Shri Yogesh Pandey, Advocate.
Shri Devesh Verma, Government Advocate.

MCRC No. 7275 of 2020

- Lilesh Kumar Sahu, S/o Lomash Sahu, aged about 28 Years,

Resident of Village- Pond, Police Station- Panduka, District- Gariyaband, Chhattisgarh.

----Applicant

Versus

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

---- Respondent

For Applicant
For State

Shri Raghvendra Pradhan, Advocate.
Shri Devesh Verma, Advocate.

MCRC No. 7278 of 2020

- Chetanlal Nagesh, S/o Mangal Singh, aged about 33 Years, R/o Village Kansindhi, Police Station Chhura, District Gariyaband Chhattisgarh.

----Applicant

Versus

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

---- Respondent

For Applicant
For State

Shri Raghvendra Pradhan, Advocate.
Shri Devesh Verma, Government Advocate.

MCRC No. 7282 of 2020

- Purushottam Patel, S/o Gaiduram Patel, aged about 44 Years, R/o Village - Panduka, Police Station Panduka, District Gariyaband Chhattisgarh.

----Applicant

Versus

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

---- Respondent

For Applicant
For State

Shri Raghvendra Pradhan, Advocate.
Shri Devesh Verma, Government Advocate.

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

04/12/2020

1. Learned counsel for the applicant in **MCRC No.6782 of 2020** 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. As all these applications filed under Section 439 of Cr.P.C. arise out of the same 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, they are being disposed of by this common order.
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 applicants is that they 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 applicants submit that present applicants are falsely implicated in the case. The applicants are in jail since 14.09.2020 in MCRC No. 7275 of 2020, MCRC No.7278 of 2020 and MCRC No.7282 of 2020 and applicants in MCRC No. 6782 of 2020 and MCRC No.6946 of 2020 are in jail since 25.08.2020 and conclusion of trial is likely to take some time. Lastly, they 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 applicants 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 applicants 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 applications are allowed.

8. It is directed that in the event of each of the applicants executing a personal bond for a sum of Rs. 50,000/- with two sureties of Rs. 25,000/- each to the satisfaction of the concerned trial Court, they shall be released on bail on the following conditions:-

- (a) They 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) They shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (c) They shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.
- (d) They shall not involve themselves in any offence of similar nature in future.

**Sd/-
(Gautam Chourdiya)
Judge**