

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 2137 of 2019**

1. Lekhu Ram Dhruwa, S/o Shri Makhan Lal Dhurwa Aged About 38 Years R/o Village Patharri, Near Darripada Middle School, Patharri, Block Chhura, Police Station Chhura Tahsil Chhura District - Gariyaband Chhattisgarh.
2. Ramesh Kumar Sinha S/o Shri Narsingh Ram Sinha, Aged About 44 Years R/o Village Kaseru, Near Primary School, Ward No. 03, Post - Kochway, Block Gariyaband, Police Station - Gariyaband Tahsil Gariyaband District - Gariyaband Chhattisgarh.

---- Applicants**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station – Chhura, District Gariyaband, Chhattisgarh.

---- Respondent

For Applicants : Shri Jitendra Nath Nande, Advocate.

For Respondent/State : Shri H.S. Ahluwalia, Dy. A.G.

Hon'ble Shri Justice Arvind Singh Chandel**Order On Board****02/06/2020**

1. The Applicants have preferred this first bail application under Section 438 of Cr.P.C. for apprehending his arrest in connection with Crime No. 43/2018 registered at Police Station Chhura, District – Gariyaband, (C.G.) for the offence punishable under Sections 3 and 7 of Essential Commodities Act, 1955.
2. In the present case there are total four accused persons. Applicant No. 1 & 2 are the Sarpanch and Panchayat Secretary of Village Panchayat. According to the case of the prosecution, Food Inspector inspected the government fair price shop situated at Nawapara wherein he found some irregularities. Therefore, a report was made by

the Food Inspector against the Vendor and Salesman of the said fair price shop before the Food Officer, Gariyaband. On the basis of the said, offence has been registered against present applicants.

3. Learned Counsel appearing for the Applicants submits that the Applicants are innocent and have been falsely implicated in the present case. He further submits that there is no any direct evidence against present applicants. Allegations have been made against co-accused persons namely Dongar Singh and Yuvraj Singh who are the seller and Salesman respectively of the said fair price shops. Therefore, it is prayed that applicants may be granted anticipatory bail.
4. Learned Counsel appearing for the State opposes the bail application.
5. I have heard learned Counsel appearing for the parties.
6. Taking into consideration the submissions put-forth on behalf of the parties and further considering the fact that there is no any direct evidence against present applicants, main allegations are against co-accused persons namely Dongar Singh and Yuvraj Singh who are the seller and Salesman respectively of the said fair price shops, therefore, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present Applicants.
7. Accordingly, the bail application is allowed.
8. It is directed that in the event of arrest of the Applicants in connection with the aforesaid crime, they shall be released on anticipatory bail on each of them 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) 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/her from disclosing such fact to the

Court,

- (ii) They shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) They 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