

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 2155 of 2019**

- Surendra Prasad Dubey S/o Bhagwan Prasad Dubey Aged About 50 Years R/o Village Koilari, Thana Jhilmili, Tahsil Bhaiyathan, District Surajpur, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Police Station Jhilmili, District Surajpur, Chhattisgarh.

---- Respondent

For Applicant	: Shri Parag Kotecha, Advocate.
For Respondent/State	: Shri Amit Verma, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**31.01.2020**

1. The applicant has preferred this first bail application under Section 438 of Cr.P.C. for apprehending his arrest in connection with Crime No. 89/19 registered at Police Station Jhilmili, District – Surajpur, (C.G.) for the offence punishable under Sections 3 & 7 of Essential Commodity Act.
2. As per the prosecution story, co-accused Shubha Dubey i.e. wife of the present applicant used to run a Fair Price Shop and she alongwith present applicant instead of storing the food articles at shop, had stored the grains in her house. On the basis of the said, offence has been registered.
3. Learned Counsel appearing for the applicant submits that the

applicant is innocent and has been falsely implicated in the present case. He further submits that search was conducted on 23.06.2019 but prior to that on 21.06.2019, a resolution was passed by Gram Panchayat Karkoti itself wherein co-accused Shubha Dubey was permitted to store the food items in her house and on 22.06.2019, the said fact was informed by the Gram Panchayat to the District Food Officer. *Prima facie*, no offence can be made out against present applicant. It is further submitted that co-accused Smt. Shubha Dubey has already been granted anticipatory bail vide order dated 28.11.2019 passed in MCRCA No. 1457/2019. Therefore, present applicant may also be granted benefit of anticipatory bail.

4. Learned Counsel appearing for the State opposes the bail application.
5. I have heard learned Counsel appearing for the parties and perused the material available with due care.
6. 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 further considering the fact that co-accused Smt. Shubha Dubey has already been granted anticipatory bail vide order dated 28.11.2019 passed in MCRCA No. 1457/2019 therefore, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present applicant.
7. Accordingly, the anticipatory bail application is allowed.

8. 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/her 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