

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2336 of 2021

1. Khemraj Bharti S/o Dadulal Bharti, Aged About 50 Years, R/o Village Charpara, Tahsil And Police Station Malkharouda, District Janjgir Champa (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through District Magistrate, Janjgir, District Janjgir Champa (C.G.).

---- Non-Applicant

For Applicant	: Mr. Dharmesh Shrivastava, Advocate.
For Non-Applicant/State	: Mr. Amit Singh Chouhan, Panel Lawyer.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

25/03/2021

- 1) This is the First Bail Application filed under Section 439 of Code of Criminal Procedure, 1973 by the applicant for grant of bail as he is in custody since 10/04/2020 in connection with Crime No. 88/2020 registered at Police Station Malkharouda, District Janjgir Champa (C.G.) for the offence under Sections 420, 409, 188, 34 of Indian Penal Code, under Section 3 & 7 of Essential Commodities Act, under Section 3 of Pandemic Act, 1897 and Section 53 of the Disaster Management Act, 2005.
- 2) The applicant alongwith other co-accused persons who were in-charge of Government Fair Price Shop embezzled/ misappropriated food grains meant for distribution to general public through Fair Price Shop during COVID-19 Pandemic period. The total embezzled quantity is 395.65 quintal rice, 11.96 quintal sugar and salt amounting to Rs. 13,19,452.52 paise.
- 3) Learned counsel for the applicant submits that applicant is an

innocent person and has been falsely implicated in this case. He submits that co-accused Ratan Miri and Padman Lal have already been granted regular bail by the Co-ordinate Bench of this Court vide order dated 18/02/2021 in MCRC No. 8386/2020 & MCRC 8557/2020 respectively and co-accused Firtin Bai Ratre has already been granted regular bail by the Co-ordinate Bench of this Court vide order dated 05/03/2021 in MCRC No. 6703/2020. He further submits that the applicant has been arrested on 10/04/2020, charge sheet has already been filed, applicant has no criminal antecedents and conclusion of trial is likely to take some time for its disposal. Therefore, the applicant deserve to be released on bail.

- 4) On the other hand, learned counsel for the respondent/State opposes the bail application. However, he submits that the applicant has no criminal antecedents.
- 5) Heard learned counsel for the parties.
- 6) Considering the facts and circumstances of the case, the detention period of the applicant who is 50 years old, charge sheet has already been filed, and the fact that the applicant no criminal antecedent and there is no apprehension of the applicant tampering with the evidence or absconding as admitted by both the counsel, in particular the fact that **three co-accused** have already been released on bail by the Co-ordinate Bench of this Court and the trial is likely to take some time for disposal, without commenting anything on merits of the case, the application is **allowed**. It is directed that in the event of applicant executing a personal bond for a sum of **Rs. 50,000/-** with **one** surety of Rs. 50,000/- to the satisfaction of the concerned Trial Court, he shall be released on bail on the following 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.
- iv. he shall not involve himself in any offence of similar nature in future or else this order granting bail to the applicant shall automatically stand cancelled without further reference to the Court.

-Sd/-
(Gautam Chourdiya)
Judge

Chandrakant