

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No.7734 of 2021**

- Anil Kumar Lahre, son of Jagdish, aged about 32 years, R/o Village Charpara, Police Station Malkharouda, District Janjgir Champa (CG)

---- Applicant**Versus**

- State of Chhattisgarh, through District Magistrate, Janjgir, District Janjgir Champa (CG)

---- Non-applicant

For Applicant	:	Mr. Himanshu Soni, Advocate
For Non-applicant	:	Mr. B.P. Banjare, Dy. Govt. Advocate

Hon'ble Mr. Justice Parth Prateem Sahu**Order On Board****02/12/2021**

1. This is first application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to applicant, who is in custody since 16.9.2021 in connection with Crime No.88/2020 registered at Police Station Malkharouda, District Janjgir Champa (CG) for commission of offence punishable under Sections 420, 409, 188, 34 of the Indian Penal Code; Section 3 of the Pandemic Act, 1897; Section 53 of the Disaster Management Act, 2005.
2. Case of prosecution, in brief, is that applicant along with four co-accused persons embezzled food grains, which was to be distributed amongst beneficiaries during pandemic Covid-19 from Fair Price Shop through Mahila Samuh, Charapara. Embezzled quantity of rice was 391.5 quintal; sugar 5.97 quintal and 11.46 quintal salt, total amounting to Rs.13,19,452=52 paise.
3. Mr. Himanshu Soni, learned counsel for applicant would submit that applicant is in jail since 16.9.2021. Other three co-accused have already been enlarged on regular bail by Co-ordinate Bench of this Court vide orders dated 18.2.2021 & 25.3.2021 in M.Cr.C. Nos.8386/20, 8557/220 & 2336/2021 respectively; allegation against applicant is similar to that of co-accused persons who have been enlarged on regular bail.

Hence, applicant may also be enlarged on regular bail.

4. Per contra, Mr. BP Banjare, learned State Counsel opposes the submissions of learned counsel for applicant. However, upon putting specific query with regard to criminal antecedents of applicant, she submits that there is no mention of any other criminal antecedent of applicant in case diary.
5. I have heard learned counsel for the parties.
6. Taking into consideration facts and circumstances of case, nature of allegations, the fact that charge sheet has already been filed; other three co-accused persons having similar allegations have been enlarged on regular bail by Co-ordinate Bench of this Court, without commenting anything on merits of case, I am inclined to allow this bail application.
7. Accordingly, the application is allowed and it is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court concerned on the conditions that;
 - a) he shall appear before the trial Court concerned regularly on each and every date unless exempted from appearance.
 - b) he shall not, in any manner, tamper with the prosecution witnesses.
 - c) If applicant is found involved in similar offence in future, it will be open for the State to apply for cancellation of bail.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge

roshan/-