

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9265 of 2020

1. Manoj Kumar Malviya S/o Late Shri Mahesh Kumar Malviya, Aged About 47 Years, R/o Main Road, Dantewada, Thana Dantewada, District Dantewada (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh Through P.S. Dantewada, District Dantewada (C.G.).

---- Non-Applicant

For Applicant	:	Shri Kishore Bhaduri, Advocate.
For Non-Applicant/State	:	Shri Vimlesh Bajpai, Govt. Advocate.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

29/01/2021

- 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 07/12/2020 in connection with Crime No. 91/2020 registered at Police Station Dantewada, District Dantewada (C.G.) for the offence under Sections 406, 407 & 420 of IPC and under Sections 3 & 7 of Essential Commodities Act.
- 2) Case of the prosecution in brief is that the applicant entrusted with the food grains for transporting the same to Fair Price Shop of Gudse but applicant did not deliver the said food grains at the indicated place and committed criminal breach of trust and violated of Chhattisgarh Public Distribution System (Control) Order 2016. On report being lodged to the above effect on 21/09/2020 by complainant Gangaram, Food Officer, the aforesaid offence has been registered against the applicant.
- 3) Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. He submits that the ingredients necessary for substantiating the

offence alleged against the applicant are missing in this case. The applicant is in jail since 07/12/2020, charge sheet has been filed and conclusion of the trial is likely to take some time. Therefore, the present applicant be released on bail.

- 4) On the other hand, learned counsel for the respondent/State opposes the bail application.
- 5) Heard learned counsel for the parties.
- 6) Considering the facts and circumstances of the case, the detention period of the applicant, the fact that charge sheet has already been filed, the letter dated 04/10/2020 (Annexure-4) by Centre In-charge, Dantewada and Branch Manager, Chhattisgarh State Warehousing Corporation Dantewada, to Tehsildar, Katekalyan the fact that there is no apprehension shown by the State of the applicant absconding or tampering with the evidence and that 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. 1,00,000/-** with **two** sureties of Rs. 50,000/- each 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 air 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.

-Sd/-
(Gautam Chourdiya)
Judge