

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1788 of 2020**

- Dongar Singh Nishad, aged 28 years, S/o Shri Mahesh Ram Nishad, R/o. Village- Nawapara (Kosmi), P.S. Chhura, Tahsil- Chhura, District- Gariyaband Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh, Through : SHO, P. S. Chhura, District Gariyaband Chhattisgarh.

---- Respondent

For Applicant	: Mr. Jitendra Nath Nande, Adv.
For Respondent/State	: Mr. Sameer Sharma, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****08.06.2021**

1. This application under Section 438 of the Code of Criminal Procedure has been filed by the applicant who is apprehending his arrest in connection with Crime No. 43/2018 registered at Police Station- Chhura, District Gariyaband (C.G.) for commission of the offence punishable under Sections 3 & 7 of the Essential Commodities Act 1955 and Sections 420, 409, 201, 120-B, 34 of the IPC.
2. As per the prosecution case, the Food Inspector had inspected the Government Fair Price Shop of village Nawapara (Kosmi), wherein some irregularity has been found. Based on that, concerned Food Inspector made a complaint against the present applicant and other co-accused persons.
3. Learned counsel for the applicant submits that the present applicant is innocent and has been falsely implicated in this case. He further submits that the present applicant is a daily wages labour while the other co-accused namely Lekhu Ram Dhruwa and Ramesh Kumar Sinha who are Sarpanch and Panchayat Secretary of Village Panchayat respectively, have already been granted anticipatory bail by this Court on

02.06.2020 passed in MCRCA No. 2137/2020, therefore, the present applicant may be granted anticipatory bail.

4. On the other hand, counsel for the State opposes the application for anticipatory bail.
5. After hearing counsel for the parties and considering the facts and circumstances of the case, this Court is of the considered opinion that it is a fit case to grant anticipatory bail to the applicant. Accordingly, the application is allowed.
6. It is directed that in the event of arrest of the applicant in connection with aforesaid crime number, he shall be released on bail on his furnishing a personal bond in the sum of Rs. 25,000/- with one surety for the like sum to the satisfaction of the concerned arresting/ investigating officer or the Court concerned, as the case may be, with the following terms and conditions:
 - (i) that the applicant shall make himself available for interrogation before the concerned investigating officer as and when required.
 - (ii) that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts or the case as to dissuade him/her from disclosing such facts to the Court or to any police officer;
 - (iii) that the applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (iv) that the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

**Sd/-
(Rajani Dubey)
Judge**

V/-