IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE MANINDER S. BHATTI

ON THE 2nd OF FEBRUARY, 2024

MISC. CRIMINAL CASE No. 933 of 2024

BETWEEN:-

RAMLALLU SHAH S/O SHRI JANGI PRASAD SHAH, AGED ABOUT 53 YEARS, OCCUPATION: SALESMAN VILLAGE AMILIYA, POLICE STATION MADA, DISTRICT SINGRAULI (MADHYA PRADESH)

.....APPLICANT

(BY SHRI A.P. SHAH - ADVOCATE)

AND

THE STATE OF MADHYA PRADESH THROUGH POLICE STATION MADA DISTRICT SINGRAULI (MADHYA PRADESH)

.....RESPONDENTS

(BY SHRI CHANDRAPAL SINGH PARMAR - GOVT. ADVOCATE)

This application coming on for admission this day, the court passed the following:

ORDER

This is first bail application filed by the applicant under Section 439 of the Code of Criminal Procedure for grant of regular bail relating to FIR/Crime No.235/2023 dated 29.03.2023 registered at Police Station - Mada, District Singrauli for the offence under Sections 406 and 409 of the Indian Penal Code and under sections 3 and 7 of the Essential Commodities Act, 1955.

2. Learned counsel for the applicant submits that as per prosecution, there is allegation of defalcation of an amount of Rs.5,17,935/-. It is contended by the learned counsel that as per prosecution upon physical verification, the

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stock of food-grains was found to be deficit. It is contended by the counsel that the applicant himself received less quantity of food-grains and, therefore, there was no question of there being any deficit quantity of food-grains. It is contended by the counsel that supply of food-grains to more than 400 beneficiaries were made and the record pertaining to the said supply has been brought on record.

3. It is further contended by the learned counsel for the applicant that the applicant is willing to deposit 50% of the amount, which according to the prosecution has been embezzled at the behest of the present applicant.

4. Learned counsel for the State has opposed the prayer for grant of bail to the applicant and submits that taking into consideration the serious allegation, it is evident that the beneficiaries who belong to economic weaker sections of the society, have been deprived of their rights to get food-grains. Thus, taking into consideration the serious allegation of deficit stock of food-grains, the application for grant of bail to the applicant deserves to be dismissed.

5. Having considered the submissions advanced on behalf of the parties, it is evident that applicant is working as a Salesman of the fair-price shop in question. As per the prosecution allegation, there was deficit quantity of different food-grains in comparison to the quantity mentioned in the AePDS Portal, and according to the prosecution, on account of deficit quantity of food-grains there is embezzlement to the tune of Rs.5,17,935/-.

6. The applicant is in custody since 16-12-2023. The applicant is ready to deposit 50% of the deficit amount, therefore, if the applicant deposits a sum of Rs.3,00,000/- as against the total deficit of Rs.5,17,935/- within a period of thirty days from today, upon producing receipt in that regard before the trial Court, the applicant be enlarged on bail. Therefore, without commenting on the

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merits of the case, the application is allowed.

7. Subject to deposit of Rs.3,00,000/- it is directed that the **applicant-Ramlallu Shah** shall be released on bail on his furnishing a personal bond in a sum of **Rs.50,000/- (Rupees Fifty Thousand Only)** with one surety in the like amount to the satisfaction of the trial Court concerned for his appearance before the said Court on all such dates as may be fixed in this regard during the pendency of trial.

8. It is further directed that the applicant shall comply with the provisions of Section 437(3) of the Cr.P.C.

9. Accordingly, this M.Cr.C. stands allowed and disposed of.

Certified copy as per rules.

(MANINDER S. BHATTI)
JUDGE

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