CGHC010421492026 2026:CGHC:45868

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRCA No. 1798 of 2026

Pradeep Kumar S/o Rameshwar Prasad Aged About 39 Years R/o Near Saraswati Sishu Mandir, Parvati Nagar, Shankar Nagar, Tahsil And Distt. Raipur C.G. **... Applicant**

versus

State Of Chhattisgarh Through Police Station Telibandha, Distt. Raipur, C.G.

...Respondent

For Applicant	: Mr. Prahalad Panda, Advocate.
For Respondent-State	: Ms. Sharmila Singhai, Dy. A.G. with Ms. Avleen Juneja Gambhir, Panel Lawyer.

Hon'ble Shri Parth Prateem Sahu, Judge

ORDER ON BOARD

29/10/2026

1. Applicant has preferred this application under Section 482 of Bhartiya Nagrik Suraksha Sanhita, 2023 for grant of anticipatory bail as he apprehends his arrest in connection with Crime No. 265/2026 registered at Police Station - Telibandha, District Raipur (C.G.) for the offence punishable under Sections 318(4) & 3(5) of the BNS and Section 3(7) of the essential Commodities Act, 1955.

2. The prosecution case, in brief, is that the Government Fair Price Shop situated in Ward No. 51, Raipur, is operated by Mahamaya Food Security, Nutrition and Consumer Service Cooperative

Society Limited, Raipur. The applicant, Pradeep Kumar, is the President of the Society, while the co-accused, Harishankar Sahu, acted as its operator/public vendor. During an inspection conducted by Food Inspector Sarita Agarwal, Raipur, several irregularities were found, including a shortage of 389.24 quintals of rice valued at approximately Rs. 15,91,898. Notices were issued to the applicant, the co-accused Harishankar Sahu and the society's salesman, Topeshwar Sahu, seeking an explanation for the shortage. However, their replies were found to be unsatisfactory. On the complaint of the Food Inspector, the police registered an FIR against Topeshwar Sahu. Subsequently, the names of the present applicant, Pradeep Kumar, and co-accused Harishankar Sahu were implicated in the case on the basis of the memorandum statement of Topeshwar Sahu.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present crime. He further submits that the applicant is the President of Mahamaya Food Security, Nutrition and Consumer Service Cooperative Society Limited, Raipur, which operates a fair price shop. During a surprise inspection conducted by the Food Inspector, a shortage of 389.24 quintals of rice was detected, pursuant to which the FIR was registered. He submits that the applicant is not directly involved in the receipt, storage or distribution of the food grains to ration card holders, as the same is handled by the co-accused, Topeshwar Sahu, the salesman of the society. He further submits that the co-accused, Harishankar Sahu, has already been granted anticipatory bail by this Court vide order dated 17.09.2026 passed

in MCRCA No. 1531 of 2026. Learned counsel contends that the applicant's case stands on a better footing, as the allegations regarding misappropriation of rice are primarily directed against the co-accused, Harishankar Sahu, and the applicant has been implicated on the basis of the memorandum statement of the co-accused, Topeshwar Sahu.

4. Learned State counsel opposes the application and submits that the applicant is not the President of the Society; rather, he is the holder of a special power of attorney executed by Omkar Pal, the President of the Society, authorising him to run and manage the fair price shop. In view of the aforesaid facts, the applicant was managing the shop, and his involvement in the commission of the alleged offence *prima facie* appears to be established. Upon being specifically queried regarding the allegations made in the memorandum statement of co-accused Topeshwar Sahu, the salesman one of the fair price shop, she read the same.

5. I have heard learned counsel for the respective parties.

6. On due consideration of the facts and circumstances of the case, nature of the allegations, submissions made by learned counsel for the parties, the fact that the applicant's name came in the memorandum statement of co-accused Topeshwar Sahu, and further considering that co-accused Harishankar Sahu has been granted anticipatory bail by this Court vide order dated 17.09.2026 in MCRCA No. 1531 of 2026, without commenting on the merits of the case, I am inclined to allow the present anticipatory bail application.

7. Accordingly, application is allowed and it is directed that in the event of arrest of applicant in connection with the crime in question (265/2026), he shall be released on anticipatory bail by the Officer arresting him on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned arresting Officer. Applicant shall also abide by the following conditions:

   (i) that the applicant shall make himself available for interrogation before the Investigation 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 of the case so 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;
   (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.

8. Office is directed to send a certified copy of this order to the trial Court concerned for necessary information and compliance forthwith.

Sd/-

(**Parth Prateem Sahu**)
JUDGE

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