
(2018) 08 CHH CK 0290

Chhattisgarh High Court

Case No: Miscellaneous Criminal Case (MCRC) No. 5540 Of 2018

Ajay Yadav

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

Date of Decision: Aug. 27, 2018

Acts Referred:

- Indian Penal Code, 1860 - Section 34, 120B, 420, 409, 467, 468
- Code Of Criminal Procedure, 1973 - Section 439
- Essential Commodities Act, 1955 - Section 3, 7

Hon'ble Judges: Arvind Singh Chandel, J

Bench: Single Bench

Advocate: Jitendra Shrivastava, Neeraj K. Sharma

Final Decision: Allowed

Judgement

Arvind Singh Chandel, J

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the Applicant who has been

arrested in connection with Crime No.60 of 2018 registered at Police Station Kota, District Bilaspur for offence punishable under Sections 420, 409,

467, 468, 120B, 120B/34 of the Indian Penal Code and Sections 3 and 7 of the Essential Commodities Act.

2. It is alleged that the present Applicant along with other co-accused committed fraud in the public distribution system. They obtained ration from the

fair price shop in the names of dead persons as well as in the names of persons who have already left the village for earning livelihood. It is further

alleged that they started black marketing of the essential commodities which are purely meant for public distribution system. On the basis of the report made by the Food Inspector, police has registered the offence and the present Applicant has been taken into custody on 26.6.2018.

3. Learned Counsel appearing for the Applicant submits that the Applicant is innocent. He has been falsely implicated in the case only on the basis

that he is brother of main accused Sarpanch Sitaram. Even the First Information Report does not reflect the name of the Applicant. He further

submits that allegedly Sarpanch Sitaram and Secretary Harprasad Bhaskar are the persons who are responsible for running the said fair price shop.

Sitaram and other co-accused Suresh have already been granted bail by the Judicial Magistrate First Class. There is nothing on record on the basis of

which the present Applicant could be implicated in the case. He is in custody since 26.6.2018. Charge-sheet has already been filed. Therefore, he may

be released on bail.

4. Learned Counsel appearing for the State opposes the prayer for bail.

5. I have heard Learned Counsel appearing for the parties and perused the entire case diary with due care.

6. Considering the entire facts and circumstances of the case and the evidence collected by the prosecution, further considering that main accused

Sitaram and other co-accused Suresh have already been granted bail by the Judicial Magistrate First Class, charge- sheet has already been filed and

trial will take time, I am inclined to enlarge the Applicant on bail.

7. Accordingly, the bail application is allowed.

8. It is directed that the Applicant shall be released on bail on furnishing a personal bond in the sum of Rs.20,000/- with one solvent surety of the like

sum to the satisfaction of the concerned Trial Court for his appearance before the said Court as and when directed.