
(2018) 04 CHH CK 0310
In the Chhattisgarh High Court
Case No : M.Cr.C.(A) No. 201 of 2018

Hemla Bandhu @ Emla Bandhu

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

Date of Decision : 25-04-2018

Acts Referred:

Essential Commodities Act, 1955 — Section 3, 7
Code of Criminal Procedure, 1973 — Section 438

Citation : (2018) 04 CHH CK 0310

Hon'ble Judges : SANJAY K. AGRAWAL, J

Bench : Single Bench

Advocate : Kishore Narayan, Avinash Singh

Final Decision : Allowed

Judgement

1. Apprehending arrest in connection with Crime No.16/2016, registered at Police Station - Jagargunda, District-Sukma (CG), for the offence

punishable under Sections 3 & 7 of the Essential Commodities Act, 1955, the applicant has filed this application under Section 438 of the Code of

Criminal Procedure for grant of anticipatory bail.

2. Case of the prosecution, in brief, is that the applicant is sales man of Government Fair Price Shop, Nagaras, District Sukma. On physical

verification of stock, 1.96 quintals of rice and 2.05 quintals of Gram (Chana) were found short in the shop which is amounting to Rs.13,510/- black

marketing by the applicant and one co-accused and thereby committed the aforesaid offence.

3. Learned counsel appearing for the applicant would submit that the show cause notice issued by the Collector has been replied by the applicant

stating that on account of rain water flowing from the roof of the shop the

alleged negligent act has been committed by the applicant but it cannot be termed as criminal act and there was no embezzlement of the amount. The applicant has deposited the amount of loss of Rs.13,510/- in the Treasury, therefore, he may be granted anticipatory bail.

4. On the other hand, learned Government Advocate for the State would oppose the bail application.

5. I have heard learned counsel for the parties and perused the case diary.

6. Defence of the applicant is that the act committed by the applicant amounts to negligence but he has deposited the amount of Rs.13,510/- in the Treasury since long back.

7. Taking into consideration the facts and circumstances of the case, further taking into consideration the nature and gravity of offence and in particular the applicant has deposited the amount of Rs.13,510/- in the Treasury, this Court is inclined to extend the benefit of anticipatory bail in favour of the applicant.

8. Accordingly, this application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on 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 Investigating/ Arresting Officer. The applicant shall also abide by the following conditions:-

- (i) that he shall make himself available for interrogation before the concerned Arresting/Investigating Officer as and when required;
- (ii) that he shall not, directly or indirectly, make any inducement, threat or promise to the 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 he shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that he shall also appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.