
(2013) 10 KAR CK 0024
In the Karnataka High Court
Case No : Criminal Petition No. 11488 of 2013

Shivanand Biradar

APPELLANT

Vs

State of Karnataka

RESPONDENT

Date of Decision : 22-10-2013

Acts Referred:

Essential Commodities Act, 1955 — Section 3, 7

Citation : (2013) 10 KAR CK 0024

Hon'ble Judges : Jawad Rahim, J

Bench : Single Bench

Advocate : Anant R. Hegde, for the Appellant; V.M. Banakar, Addl. SPP, for the Respondent

Final Decision : Allowed

Judgement

Jawad Rahim, J.—The petitioner is arraigned as accused along with another for offence punishable under Sections 3 & 7 of the Essential Commodities Act, which is registered in Cr. No. 183/3013 on the file of the Bilagi Police Station. Apprehending arrest, he sought for direction to release him in the event of his arrest. State has opposed grant of bail sought for.

2. Case papers would reveal that Cr. No. 183/2013 is registered on the basis of seizure of two quintals of rice from a truck bearing No. KA 29/A -2466 driven by Parashuram while in transit.

3. The prosecution allegation is two quintals of rice was a portion of rice allocated to him for distribution through fair price depot to the benefit of the card holders. In stead of distributing the rice to the card holders, he had sold it illegally in open market for unlawful gain and thus has contravened the standing orders issued by the State Government.

4. It is not in dispute that the rice was seized from a truck in question and implication of the petitioner is based on the statement of the co-accused. It must be noticed that the very intent and purpose of the State is to provide foodgrains

to the needy persons at the subsidised rate. By such illegal activities the impact on the society can easily be visualised by the deprivation of the benefit to the needy. However in law how far the statement of co-accused would bind the accused is a question that could be considered during trial.

Be that as it may. Considering the nature of offence alleged and the punishment with which the petitioner will be faced, I am inclined to grant the relief sought subject to the following conditions.

- i) He shall appear before the in charge of the investigating officer within two weeks from now and on his appearance, the investigating officer may arrest him, but he shall release him on bail, if he executes a bond for Rs. 25,000/- for likesum with one solvent surety to the satisfaction of the learned Trial Judge;
- ii) He shall appear before the investigating officer as and when required and subject himself to interrogation without causing any impediment;
- iii) He shall report before the investigating officer of the complainant- police station once in a week till filing of the charge sheet and;
- iv) He shall not tamper with the prosecution material or prevail upon witnesses in any manner.

Criminal Petition is allowed.