NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 576 of 2021

1. Malti Bai W/o Manohar Lal Patel Aged About 45 Years Resident Of Village Judga, Tahsil And Police Station Sakti , District Janjgir Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

2. Radha Bai W/o Mukesh Prasad Aged About 28 Years Resident Of Village Judga, Tahsil And Police Station Sakti , District Janjgir Champa Chhattisgarh.

3. Kishan Kumar S/o Manohar Lal Patel Aged About 24 Years Resident Of Village Judga, Tahsil And Police Station Sakti , District Janjgir Champa Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station Sakti , District Janjgir Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Respondent

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Bilaspur

For Applicants : Shri Hari Agrawal, Advocate
For State : Shri Jitendra Shukla, Panel Lawyer

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

09/09/2021

Heard.

1. This is the repeat anticipatory bail application on behalf of the applicants. Their earlier bail application was dismissed as withdrawn.

2. The applicants have filed this application for grant of anticipatory bail under Section 438 Cr.P.C. as they are apprehending their arrest in connection with Crime No.129/2020, registered at Police Station -Sakti, District- Janjgir -Champa (C.G.) for the offence punishable under Sections 420, 409, 34 IPC and Section 3/7 of the Essential Commodities Act.

3. Though earlier bail application of the applicants was dismissed as withdrawn with liberty to apply for regular bail, however, the applicants have again repeated bail application.

4. Submission of learned counsel for the applicants is that merely because discrepancy in the stock was found, *mens rea* for commission of alleged offence could not be inferred because that was a lock down situation and the discrepancy in the stock as alleged to have been found could be possible.

5. On the other hand, learned counsel for the State submits that upon a raid conducted by a team, the discrepancy in stock was found, therefore, the offence has been registered.

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6. Taking into consideration the submissions made by learned counsel for the respective parties, considering that the registration of FIR is based on the report of a team which raided the shop run by and under the control of the applicants, without further commenting on merits, I am not inclined to grant anticipatory bail to the applicants. However, liberty granted earlier to surrender and apply for regular bail will continue.

7. The application is accordingly rejected.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Praveen