

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 565 of 2015

Dhaneshwar Ram S/o Khera Ram Aged About 51 Years R/o H.No. A/06, Akash Vihar Colony, Ashok Nagar, Sarkanda Bilaspur Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, State Economic Investigation Bureau, Raipur District Raipur Chhattisgarh.

---- Respondent

For Applicant	:	Shri B.D. Guru, Advocate
For Respondent/State	:	Shri R.K. Gupta, Dy. A.G.

Order On Board

02/09/2015

1. The applicant has preferred this application under Section 438 of Cr.P.C., apprehending his arrest in connection with Crime No.09/2015, registered at Police Station– State Economic Investigation Bureau, Raipur, District Raipur for alleged commission of offence under Sections 11, 13(1)(d) & 13(2) of the Prevention of Corruption Act, 1988 and 109, 120-B, 409 & 420 of IPC.
2. Case of the prosecution is that the applicant and other co-accused acting in conspiracy accepted substandard quality of rice meant to be used for public distribution system through its collecting agency-Nagrik Aapurti Nigam and towards accepting substandard rice, the applicant recovered huge amount from the millers, from whom, such supply was accepted.
3. Learned counsel for the applicant submits that as far as the present applicant is concerned, he has been involved only on the basis of suspicion without any material to show his involvement. The rice received in the Kawardha District of which the applicant was In-charge as Manager, has not been reported to be of substandard quality, therefore, there was no occasion for the applicant to collect any bribe and forward the same to the Head Office in the hands of other co-accused. The written slip which is alleged to have been written

by the applicant sending cash of Rs.6,04,000/-, does not involve the applicant. The applicant is a Government servant and in the event of arrest, he would be placed under suspension. The investigation is complete and looking to the nature of allegation, custodial interrogation of the applicant is not necessary as he is fully cooperating with investigation as and when called by the Investigating Officer and even now, he is prepared to co-operate and he is neither likely to abscond nor in a position to adversely affect fair investigation.

4. On the other hand, learned State counsel opposes prayer for grant of bail and submits that in the scam, it has been prima facie found under the investigation so far made that huge amount of bribe was being collected by the applicant as also by district managers of other district from the concerned rice millers, who were supplying milled rice of substandard quality and the amount so collected was being siphoned to the headquarter at Raipur. He submits that the slip issued by the present applicant was found in the head office wherefrom cash of Rs.3 crores was recovered. The same was sent for report of handwriting expert after collecting specimen writing of the applicant and handwriting expert shows that the written slip has been prepared by the present applicant which prima facie involves him in the incident.

5. Taking into consideration the nature and gravity of allegations against the applicant and his involvement based on written slip alleged to have been written by him found in the head office, I am not inclined to grant anticipatory bail to the applicant.

6. Accordingly, the application is rejected.

Sd/-

Manindra Mohan Shrivastava

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