

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. (A) No. 1101 of 2015

K. P. Dewangan S/o K. R. Dewangan Aged About 43 Years Ex-Joint
Collector, District Jashpur Chhattisgarh R/o Q. No. A-5 Sector -1, Ekta
Nagar, Gudhiyari, Distt. Raipur Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through - Economic Offence Wing & Anti
Corruption Bureau, Raipur, District Raipur Chhattisgarh

---- Respondent

For applicant – Shri Anup Majumdar, Advocate.
For Respondent/State – Shri Ashish Shukla, G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

3/11/2015

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending her arrest in connection with Crime No.51/2009 registered at Police Station Economic Offence Wing and Anti Corruption Bureau, Raipur (C.G.) for offence punishable under Section 420, 467, 468, 471, 120-B and 34 of IPC and Section 13(1)(d) and 13 (2) of Prevention of Corruption Act.
2. As per the prosecution case the applicant being in the capacity of then CEO at the time of appointment of the Shiksha Karmi has directed to constitute a scrutiny committee and scrutiny committee had given numbers to the candidates on the basis of forged certificate or without certificate, thereby undeserving candidates were given preference over the deserving candidates in the matter of appointment of Shiksha Karmi.

At the relevant time applicant constituted scrutiny committee and thereafter scrutiny committee submitted report whereby applicant being member of the selection committee also selected different Shiksha Karmi.

3. Learned counsel for the applicant submits that it was on the basis of the report of the scrutiny committee, the selection committee have prepared merit list and it was not within their domain to evaluate the correctness of any number. He further submits that all the investigation in this case has been over and all the evidence is in the nature of documentary nature, therefore applicant may be granted anticipatory bail.

4. Learned State counsel opposes the prayer for grant of anticipatory bail, however submits that investigation in this case is over.

5. Considering the statement made and the fact that similarly placed co- accused Leos Kujur bail has been granted by the coordinate bench of this court in M.Cr.C. (A) No.818/2015, I am inclined to extend benefit of anticipatory bail to the applicant.

6. Accordingly, the anticipatory bail 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 executing a personal bond in sum of Rs.25,000/- with one local surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions:-

- (i) that the applicant shall make himself available for interrogation before the investigating officer as and when required;
- (ii) that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any 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 the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

(iv) the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
JUDGE