

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC(A) No. 1059 of 2015

1. R. R. Nagwanshi S/o Ramgopal Nagwanshi Aged About 69 Years Retired Block Education Officer, Kanker, By Caste Marar, R/o Village Dumali, P.S. Kanker, Distt. Civil & Revenue Kanker (Chhattisgarh).

2. Hemlal Sori S/o Kawal Singh Sori Aged About 70 Years Retired Area Coordinator Tribal Development, Kanker, Caste Gond, R/o Village Kanharpuri, P.S. Korar, Distt. Civil & Revenue Kanker (Chhattisgarh).

3. Chinta Ram Sonwani S/o Chumuk Lal Sonwani Aged About 54 Years Occupation Service & Presently Working As Vice Principal, District Education & Training Institute, Kanker, by Caste Mahar, R/o Potgon, P.S. Korar, District Civil & Revenue Kanker (Chhattisgarh).

---- Applicants

Versus

State Of Chhattisgarh Through The Station House Officer, P.S. Anti Corruption Buraru Raipur, Distt. Raipur (Chhattisgarh).

---- Respondent

For applicant – Shri Awadh Tripathi, 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 applicants apprehending their arrest in connection with Crime No.51/2009, registered at Police Station Anti Corruption Bureau, Raipur, Distt. Raipur (C.G.) for offence punishable under Section 420, 467, 468, 471 & 120B/34 of the IPC and Section 13 (1) (d) read with Section 13 (2) of the Prevention of Corruption Act.

2. According to the case of prosecution, applicants who were members of the selection committee while admitting candidates for

shiksha karmi for giving job had favoured the candidates with the requisite marks though they were not holding necessary certificates and thereby undeserved candidates were appointed as shiksha karmi. Allegations against the applicants are therefore that they being member of the selection committee they had prepared the selection list on the extraneous circumstances and extended undue favour.

3. Learned counsel for the applicants submits that applicant No.1 R.R. Nagwanshi has retired. He is aged about 69 years whereas applicant No.2 Hemlal Sori he has also retired, he is aged about 70 years and they have cooperated in the investigation as and when called for and applicant No.3 Chinta Ram Sonwani member of the selection committee also cooperated with the prosecution. He further submits that incident is of year 2006-2007. He further submits that taking into account the time lapsed and the cooperation extended during the investigation and when investigation is complete, applicants may be enlarged on bail as no purpose would be served by taking them into custody.

4. Learned State counsel opposes the prayer for grant of anticipatory bail and submits that at the instance of the applicants they were members of the selection committee they had extended undue favour to the candidates who were not deserving and therefore their bail application may be rejected.

5. Having regard to the fact that applicants No.1 and 2 have retired long back and they are aged about 69 and 70 years respectively and the applicant No.3 who was also part of the selection committee and perusal of the record would show that they have cooperated during the

investigation. Considering the fact that investigation is complete, I am inclined to extend benefit of anticipatory bail to the applicants.

6. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on each of them 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 applicants shall also abide by the following conditions:-

- (i) that the applicants shall make themselves available for interrogation before the investigating officer as and when required;
- (ii) that the applicants 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 applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) the applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
JUDGE

