

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 757 of 2015

Mahesh Awasthi S/o Late Shri Keshav Prasad Aged About 60 Years R/o Village Lawatara, Tah. Berla, District Bemetara, Presently residing at Kabir Nagar, Police Station Kabir Nagar, Civil And Rev. Distt. Raipur Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Dharsiwa, Tah., Civil And Rev. Distt. Raipur Chhattisgarh.

---- Respondent

For Applicant	:	Shri P.P. Sahu, Advocate
For Respondent/State	:	Shri R.K. Gutpa, Dy. A.G

Order On Board

19/08/2015

Heard.

The applicant is apprehending his arrest in connection with Crime No.207/11 registered at police station – Dharsiwa, Distt - Raipur CG for alleged commission of offence under Section 420, 409, 467, 468, 471, 120-B & 34 of IPC.

2. Case of the prosecution, in brief, is that during relevant period, when the applicant was posted and working as Secretary, prepared vouchers showing the road construction works on which basis, bills were prepared.

3. Learned counsel for the applicant submits that WBM road was constructed way back in the year 2007-08 whereas, inspection was carried out in the year 2011 and in the meantime, as the construction was of WBM Road, some difference is bound to occur. He submits that the applicant is a Govt. Servant. It is not a case that no work was at all found done. The difference in the measurement was found after long period of construction of temporary nature. Therefore, only on that basis, no criminal intention on the part of the applicant is made out.

4. On the other hand, learned counsel for the State submits that upon complaint made, inquiry was made at the spot of construction and it was found by the inquiry committee that the applicant gave over valuation of the work done which is in excess and more than Rs.2 lakhs. Thus, the applicant, apparently, in order to extend undue favour to the work agency, caused loss to the Govt. and public exchequer.

5. Taking into consideration the submissions made by learned counsel for the parties, particularly taking into consideration that the work was of construction of WBM road which was undertaken in the year 2007-08 and the inspection was carried out after 3 years with the intervention of about three rains, I am inclined to allow the application.

6. Accordingly, the application is allowed. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- along with one local surety for the like amount to the satisfaction of the arresting officer and the applicant shall abide by all the following terms and conditions -

- (i) that the applicant shall make himself available for interrogation by a Police Officer as and when required;
- (ii) that he 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 from disclosing such facts to the Court or to any Police Officer.
- (iii) that he shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that he 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/-

(Manindra Mohan Shrivastava)
Judge