

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C. (A) No. 1030 /2015

Mahendra Kumar Mishra, S/o. S.K. Mishra, Aged about 48 years, R/o. Rohni Vihar, Bilaspur, Police Station- Civil Line, Tahsil & District Bilaspur (C.G.).

---- Applicant

Versus

State of Chhattisgarh, Through the Station House Officer, Police Station- Kotwali, Korba, District Korba (C.G.).

---- Respondent

For Applicant : Mr. Vinay Dubey with Mr. Suryakant Mishra, Advocates

For Respondent : Mr. Satish Gupta, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

28/10/2015

1. Apprehending arrest in connection with Crime No.386/2015 registered at Police Station- Kotwali, Korba, District Korba (C.G.) for the offence punishable under Section 467, 468 & 471 of the Indian Penal Code, the applicant has preferred this application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution case, the applicant being posted as Executive Engineer in the Public Health Engineering Division at Korba had prepared forged notice inviting tender for construction of water harvesting at different sub-divisions and attached the said notice inviting tender on record, but the said notice was not actually published in the daily newspaper which should have been done through the Office of Public Relation. Subsequently, on a complaint made by one Amarnath Agrawal, an enquiry was made and thereafter the FIR has been lodged by the Superintending Engineer of the Public Health Engineering Department, Bilaspur against the applicant and the matter is under investigation.
3. Learned counsel for the applicant submits that being the Executive Engineer believing in the entry which was placed before him which showed that the tender documents have been forwarded to the Office of Public Relation and believing it he signed the papers and it

is not expected that the Executive Engineer will go personally to handover the papers. He further submits that even the tenders were carried out and the work was done and no loss was even caused to the State Government. Therefore, under the circumstances, the applicant being the government servant, he may be enlarged on anticipatory bail.

4. Per contra, the learned State counsel opposes the prayer for grant of anticipatory bail and would submit that the report was made by the Superintending Engineer and on enquiry it was revealed from the Office of Public Relation that no tender notice was ever issued by the Office of Public Relation and actually the tender was not at all floated but it was shown to be floated. Therefore, the case needs investigation and further interrogation may be called for.
5. I have gone through the case diary. The report is made by the Superintending Engineer against the petitioner who is the complainant and higher official of the applicant. The record also shows that no tender documents were actually sent to the Office of Public Relation for publication which is required for issuing a tender. Therefore, *prima facie* considering the documents, it cannot be stated that custodial interrogation may not be called for. Consequently, taking into the nature of documents available, I am not inclined to grant anticipatory bail to the applicant, as perusal of case diary would indicate that it is not a case wherein it can be assumed that custodial interrogation may not be required. Consequently, I am not inclined to allow the application.
6. Accordingly, the anticipatory bail application is dismissed.

Sd/-
(Goutam Bhaduri)
Judge