

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**M.CR.C.(A) No. 15 of 2016**

1. Md. Harun, age – 34 years, S/o. Late Shri M.D. Jakariya, By Post-Contractor & Journalist, R/o. Ward No.12, Haldibadi, P.S. - Chirmiri & Tahsil-Khadgawa, Revenue District and District – Koriya-Baikunthpur (C.G.)

----Applicant

**Versus**

1. State of Chhattisgarh, through : P.S.- Podi, Revenue District and District -Koriya-Baikunthpur (C.G.)

---- Respondent

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For Applicant : Mr. J.A. Lohani, Advocate

For Respondent/State : Mr. Anil S. Pandey, Govt. Advocate

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**Hon'ble Shri Justice Goutam Bhaduri**

**Order On Board**

**09/02/2016**

1. Apprehending arrest in connection with Crime No.146/2015 registered at Police Station- Podi, District – Koriya-Baikunthpur (C.G.), for offence punishable under Section 420, 465, 467, 468, 471 of Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. As per the prosecution case, the applicant, who is the proprietor of M/s. Mariyam Construction Company was granted tender from Municipal Corporation, Chirimiri to the extent of Rs.1.06 Crores and while work was allotted to the applicant with the tender, he was required to deposit the solvency certificate of Bank and the solvency certificate was deposited of SBI, Ambikapur to the extent of Rs.20.00 lakhs, thereby an amount of Rs.14,34,619/- was released in favour of the applicant for payment of salary to the labourers. Subsequently

report was made by one Raj Kumar Mishra, that false solvency certificate was deposited by the applicant and the complaint was made, the Commissioner of the Corporation namely Manoj Singh in turn on enquiry found that solvency was not issued by the SBI, Ambikapur, thereby the offence is committed. Thereafter, administrative action of cancellation of the tender was taken and the offence was registered.

3. Learned counsel for the applicant would submit that, the applicant holds solvency certificate of SBI, Chirimiri, which was deposited alongwith the tender documents. The counsel referred to the documents Annexure A/2, purportedly issued from the SBI, Chirimiri, certain solvency certificate is certified to the extent of Rs.16.00 lakhs, he therefore, submits that presently the tender has already canceled and no benefit has been drawn as the entire money has been deposited directly in the accounts of the labourers and therefore, prays that the applicant may be extended the benefit of anticipatory bail.
4. Per contra, the learned State counsel opposes the prayer for grant of bail and would submit that the applicant instead of submitting the solvency certificate of SBI, Chirimiri, submitted solvency certificate of SBI, Ambikapur, which was not at all issued by the SBI, Ambikapur. Consequently, the tender documents contained the solvency certificate was found to be forged and fabricated, therefore, he prays that the applicant may not be extended the benefit of anticipatory bail.
5. Perused the case diary and voluminous documents. Perusal of the case diary would show that primarily certificate, which was enclosed with the tender documents that was of the SBI, Ambikapur, which was found to be forged. Taking into such primary evidence against the

applicant it can not be stated that custodial interrogation of the applicant may not be required and it is not a case, where the provisions of Section 438 of Cr.P.C. can be extended. Therefore, this Court is not inclined to grant anticipatory bail to the applicant.

6. Accordingly, the anticipatory bail application is dismissed.

**Sd/-**  
**(Goutam Bhaduri)**  
Judge