

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC(A) No. 342 of 2016

Vijay Achantani S/o Late Shri Pratap Rai Achantani Aged About 41 Years R/o - House No. B - 206, Rishabh Apartment, Jabadapara, Sarkanda, P.S. - Sarkanda, District - Bilaspur Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Police Station - City Kotwali Mungeli, District - Mungeli Chhattisgarh

---- Respondent

For applicant – Shri Vinay Pandey, Advocate.

For Respondent/State –Shri Anupam Dubey, Dy.G.A. for the State.

Hon'ble Shri Justice Goutam Bhaduri

Order

25/04/2016

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No. 456/14 registered at Police Station City Kotwali Mungeli, District Mungeli (C.G.) for offence punishable under Section 420, 467, 468, 471/34 of IPC.
2. As per the prosecution case the applicant was a contractor in the Electricity Department who was given contract for shifting of meter and line maintenance from period in between 2012 to 2013. The applicant and the other co-accused despite the fact that the work order was not issued the computer was hacked and the pass word was stolen whereby forged work order were issued and thereafter the bills were submitted and were paid with the forged digital signature of the Executive Engineer and the officers of the Electricity Department. Consequently, applicant has caused loss of Rs.29,16,000/-and the other co-accused has caused loss of Rs.12,92,163/-.
3. Learned counsel for the applicant submits that initially in the year 2014 a notice of demand of Rs.39,06,000/- by Annexure A-2 was served

along with the show cause notice of same day. He submits that applicant has worked in the Electricity Department has discharged his job and on what basis amount was arrived at it is not clear. He submits that had there been any show cause he could have explained the work done by him. He submits that show cause and the notice of recovery was issued on the same day i.e. on 31st October, 2014, thereby the department itself was not in know as to what criminality has been committed. He submits that instead the applicant owes the amount of more than 87 lakhs from the electricity department and therefore in order to avoid such payment, this false allegations have been levelled. He submits that matter is of year 2014 and till date nothing has transpired, thereby considering the delay caused, applicant may be enlarged on bail.

4. Learned State counsel opposes the prayer for grant of bail.

5. I have perused the case diary and the statement of the officers. One of the statement of officer Shankeshwar Kanvar is on record. According to his statement it is stated that on verification of the register it indicated that amount of Rs.29,16,000/- was paid to Vijay Kumar present applicant and the amount of Rs.12,92,163/- was paid to Ghanshyam Vidhvani. It is stated that neither work order was issued nor any entry was made, however debit slip was made by computer and computer was hacked and pass word was stolen. Thereby, work of meter shifting and maintenance of line were projected though were actually not done at all the work order were shown. It is further stated that on the basis of such digital signature amount was transferred to the account of applicant. It is stated that neither note sheet was put up or tender was ever invited as such document were not available for which it appears that same user ID of Parasram Sahu the then Executive Engineer was leaked by one of the

clerk. Considering such statement and the document which are part of the case diary, prima facie it appears that report which is made needs investigation for which it cannot be said that custodial interrogation may not be required. Taking into consideration the way the offence has been committed, I am not inclined to extend benefit of anticipatory bail to the applicant.

6. Accordingly, the anticipatory bail application is dismissed.

Sd/-

(Goutam Bhaduri)

JUDGE