

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2766 of 2016

Ravinder Nath Singh, S/o. Jagarnath Singh, Aged About 53 Years, R/o. Uttar Ring Road, Shikari Road, Boripara R.N. Gali, Ambikapur, District Surguja, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through Police Station- E.O.W. Raipur, District Raipur, Chhattisgarh

---- Respondent

For Applicant : Mr. Bharat Singh, Mr. T.K.Jha, Mr. Bhaskar Jha & Mr. N.P.Thakur, Advocates for the Applicant.

For Respondent : Mr. Satish Gupta, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

CAV Order

24.06.2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.09/2015, registered at Police Station- Anti Corruption Bureau, Raipur (C.G.) for the offence punishable under Section 11, 13(i)(d) and 13(2) of Prevention of Corruption Act, 1988 read-with Section 109 (wrongly mentioned 103), 120-B, 409 & 420 of Indian Penal Code.
2. Case of the prosecution, in brief, is that the applicant being working in the Nagrik Aapurti Nigam i.e. Civil Supplies while posted at Surajpur Branch as District Manager misappropriated the government paddy which was meant for Public Distribution System and in connivance with the other co-accused in an organized manner received different amount from the millers as undue gratification and also on the threat of cancellation of the milled rice

received the amount. Further, it is stated that the applicant also collected the sub-standard broken rice and collected money from the transporters and the amount circulated in between the officers and accounts were being maintained separately. The amount and account were seized, thereby, the offence is committed.

3. Learned counsel for the applicant would submit that the charge sheet of 6000 pages in this case has been filed and as many as there are 213 witnesses and 427 documents. It is contended that there are 28 accused and 16 accused are in jail and two of them are IAS officer who are still at large and the recovered amount of Rs.7,16,080/- recovered from the applicant would show that the amount was received in lieu of the sale transaction by the son of the accused/ applicant and further submits that the amount of Rs.4,61,000/- is said to have been recovered from the Locker appears to be absolutely false, as it would be evident from the document filed along with the application that the applicant never had any Locker in the Bank. Learned counsel referred to the case of Sanjay Chandra¹ and would submit that under the similar facts taking into the voluminous documents and delay, the Supreme Court had enlarged the accused on bail and the same proposition will apply in this case. He further submits that till date the charges have not been framed, therefore, the applicant may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail and would submit that the co-ordinate Bench of this Court has dismissed the bail application of the similarly placed co-accused Sudhir Kumar Bole, Satish Kumar Kaiwarth, Motilal Sahu, Dilip Kumar Sharma & Kaushal Kishore Yadu on 16.07.2015 and subsequently this Court also has dismissed the similarly placed bail

¹ (2012) 1 SCC 40

application of Devendra Singh Kushwah on 10.02.2016. It is submitted that all the accused in conspiracy with each other while discharging the duty of officer in Nagrik Aapurti Nigam accepted the sub-standard rice from the millers and also received the amount from the transporter in lieu of blackmailing the same on threat of refusal, further when the rice were being transported for deposit accepted gratification per quintal and further collected the amount and send it to the Head Quarter. It is further contended that the allegations are also that the applicant not only received the sub-standard rice but also sub-standard salts were purchased by the applicant in connivance with other accused. It is stated that the case of the present applicant is similar to that of the accused whose bail applications have been dismissed by this Court and the co-ordinate Bench of this Court. Therefore, grant of bail to this applicant would be against the dismissal order passed by this Court and prays for dismissal of the bail application.

5. Perused the case diary and the documents. Also perused the bail dismissal order passed by the co-ordinate Bench of this Court on 16.07.2015 and by this Court on 10.02.2016. Prima facie, it appears that from the possession of the applicant huge cash amount was recovered which were unexplained. In respect of the applicant, an explanation has been placed on record by the prosecution that inadvertently it has been stated that certain amounts were recovered from the Bank Locker was made due to typographical mistake. This fact cannot be ignored that the amount of Rs.7,16,080/- was recovered from the possession of the applicant. The said amount remains unexplained with the sources.

6. Their Lordship in case of ***Subramanian Swamy v. Central Bureau of Investigation***² has observed as under :

“Corruption is an enemy of nation and tracking down corrupt public servants and punishing such persons is a necessary mandate of the PC Act, 1988. It is difficult to justify the classification which has been made in Section 6-A because the goal of law in the PC Act, 1988 is to meet corruption cases with a very strong hand and all public servants are warned through such a legislative measure that corrupt public servants have to face very serious consequence.”

“Corruption is an enemy of nation and tracking down corrupt public servant, howsoever high he may be, and punishing such person is a necessary mandate under the PC Act, 1988. The status or position of public servant does not qualify such public servant from exemption from equal treatment. The decision making power does not segregate corruption officers into two classes as they are common crime-doers and have to be tracked down by the same process of inquiry and investigation.”

7. Reading the statement of Arvind Singh Dhruw, Akhilesh Kumar Shrivastava, Smt. Sandhya Thakur & Mohd. Gulab would show that even certain paddy were of the standard quality but they were resisted to be accepted unless and until money was being paid at different stages from the Quality Inspector to the Godown In-charge and even the Chowkidar. The witnesses who have deposed were few of the part of the organization and the supplier and the applicant is also the part of organization, therefore, this cannot be sidelined that the applicant would have a considerable hold over the witnesses, which may result the tampering of the evidence. The bail application of the similarly placed co-accused have been rejected by this Court and also the co-ordinate Bench of this Court

and the allegations are like nature, therefore, consideration of bail of this applicant would amount to drawing a different line of two set of accused though the allegation against them are same. Considering the spirit of the order passed by their Lordship in case of *Subramanian Swamy* (supra) in the cases of corrupt public servants, this Court, at this stage, is not inclined to entertain the bail application.

8. In a result, the bail application filed by the applicant under Section 439 of Cr.P.C. is rejected.

Sd/-
(Goutam Bhaduri)
Judge