

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 540 of 2016**

- Khubchand Choudhary S/O Late Bhagwan Choudhary Aged About 54 Years Occupation - Service, Working As Vaccinator, Municipal Corporation Raigarh, R/O Gaushala Para, Raigarh, Police Station City Kotwali, Tehsil Raigarh, Civil & Revenue District Raigarh, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through District Magistrate, District Raigarh, Chhattisgarh

---- Respondent

For Applicants : Mr. Ranbir Singh Marhas, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****29-07-2016**

1. This application under Section 438 of Cr.P.C has been filed by the applicant apprehending his arrest in connection with Crime No. 255 of 2016 registered at Police Station City Kotwali, District Raigarh (CG) for offence punishable under Sections 420, 409/34 of IPC and Section 13(1)(d) of the Prevention of Corruption Act.
2. Case of the prosecution, in brief, is that the applicant, who is an Incharge and a member of the Purchase Committee of Municipal Corporation, Raigarh, while working as Vaccinator committed grave irregularity in purchase of Chlorine tablets and containers without adhering to the rules of Purchase and proper tendering. It is also alleged that the applicant as Incharge of the Store should have kept the aforesaid goods in his custody but the said goods which were said to have been purchased, were not found in the stock on physical verification and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicant would submit that the applicant is only a Vaccinator and he was not authorized to make any purchase and on the oral direction of the Commissioner Mr. Pramod Shukla, purchase was made and Mr. Pramod Shukla himself was transferred but subsequently it was stayed by the High Court. He would further submit that the applicant has not committed any offence and has been falsely implicated in the case to save higher officer, therefore, applicant may be extended the benefit of anticipatory bail.
4. Learned State counsel opposing the prayer for grant of anticipatory bail would submit that the applicant was a member of the purchase committee and a detailed enquiry was conducted by the committee and a report thereof was also submitted and there is sufficient evidence against the applicant.
5. I have heard learned counsel for the parties and perused the case diary and documents and also perused the enquiry report.
6. Perusal of the enquiry report containing various note sheets would show the role of the applicant. The report shows that the tender process was not followed and further the applicant without any sanction had gone for purchase of the chlorine tables and containers and neither quality of the aforesaid goods was verified by the authority nor the aforesaid goods were found in the stock on physical verification and report shows the act done by the applicant.
7. Considering the facts and circumstances of the case, nature and gravity of the offence and the manner in which the offence was committed and further considering the enquiry report, I am not inclined to extend the benefit of anticipatory bail to the applicant.

8. Accordingly, the anticipatory bail application is liable to be and is hereby dismissed. However, it is made clear that if the applicant surrenders himself before the concerned court and files an application for grant of regular bail before the jurisdictional criminal court, the court shall not be influenced by any observation made in this order as consideration of regular bail is different.

Sd/-
(Goutam Bhaduri)
Judge

Raju