

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C.(A) No. 624 of 2016

Pramod Shukla, S/o Shri Hetram Shukla, Aged About 58 Years, R/o Village Saliyapara, Post - Tahsil - Police Station - Pali, District - Korba Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through : S.H.O., Police Station City Kotwali, Raigarh, District - Raigarh Chhattisgarh

---- Respondent

For applicant – Shri Sudeep Agrawal, Advocate.

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

Hon'ble Shri Justice Goutam Bhaduri

Order

20/10/2016

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No. 250/2016 registered at Police Station City Kotwali, Raigarh, District Raigarh (C.G.) for offence punishable under Sections 420, 409/34, 120-B of IPC & 13(2) & 13(1)(d) of Prevention of Corruption Act.
2. As per the prosecution case, a report was made by Nohar Ram Sahu on 25/04/2016 that the applicant in the capacity of the Municipal Commissioner, Raigarh has regularized 50 daily wager employees in two lots on 15/01/2015 and 15/10/2015 ignoring circular of the State Government dated 3/04/2008 which only permit that person can be considered for regularization if worker is in service prior to 1997. Thereby, has committed the offence.
3. Learned counsel for the applicant submits that the applicant had issued letter of regularization after the entitlement of the workers were evaluated by the Scrutiny Committee comprising of Gangadin Sarthi, Satyanarayan Aghariya, Smt. Aljit Kujur and Anil Bajpai. He submits that

committee was formed to see status of regularization and the committee after recommended the persons, order of regularization was issued. Subsequently, few of them were terminated which was subject of challenge before the High Court and the High Court also in writ petition bearing W.P.S. No.1459/2015 had stayed the order of termination of few of the persons who were regularized and further in subsequent writ petition W.P.S. No.2864/2016 has directed for payment of salary. He submits that no criminality has been committed by the applicant, therefore the applicant may be granted benefit of anticipatory bail.

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

5. Perused the case diary and the documents. Case diary would show that in two stages regularization orders were issued on 15/01/2015 and 15/10/2015 which speaks about recommendation by the Scrutiny Committee. Scrutiny Committee appears to be comprising of Dr. Kumari Chandrakanta Yadav, Gangadin Sarthi, Satyanarayan Aghariya, Smt. Aljit Kujur and D.N. Parihar. Taking into such fact, the documents in the case diary and the role played by the applicant, in the opinion of this court no custodial interrogation may be required in view of the law laid down in case of **Bhadresh Bipinbhai Sheth Vs. State of Gujarat & Another** reported in **(2016) 1 SCC 152**. Therefore, I am inclined to extend benefit of anticipatory bail to the applicant.

6. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on executing a personal bond in sum of Rs.25,000/- with one local surety in the like sum to the satisfaction of the concerned Investigating Officer.

The applicant shall also abide by the following conditions:-

- (i) that the applicant shall make himself available for interrogation before the investigating officer as and when required;
- (ii) that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
- (iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-

(Goutam Bhaduri)

JUDGE