

HIGH COURT OF CHHATTISGARH, BILASPURMCRCA No. 855 of 2016

- Vijay Kumar Dhurve S/O Shri D.S. Dhurve Aged About 54 Years R/O New Panchsheel Nagar, Raipur Police Station Civil Lines, Raipur. Distt. Raipur Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Kotwali, Tehsil And District Kondagaon Chhattisgarh.

---- Respondent

 For Applicant : Mr. Sandeep Shrivastava, Advocate

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

Hon'ble Shri Justice Goutam BhaduriOrder on Board23-09-2016

1. This application under Section 438 of Cr.P.C has been filed by the applicant apprehending his arrest in connection with Crime No. 329 of 2014 registered at Police Station Kotwali, District Kondagaon (CG) for offence punishable under Section 420, 409, 120-B read with Section 34 of the IPC.
2. As per case of the prosecution, an first information report was made on 19-8-2013 against Khemendra Joshi, K. Jhadi and B.P. Ratre and charge-sheet was filed on 17-7-2015 that in the work of Manrega Rs.1,86,62,000/- work was allotted to one NGO namely Sajal Shraddha Sewa Sansthan, Jagadalpur for construction of small pond and tree plantation, Though the amount was given, but actual valuation of work which was found to be Rs.63,32,000/- was carried out and the work of Rs.1,21,30,000/- was not done. Subsequently, against the applicant who was Collector and over-all Head of the District, cognizance was taken on 17-6-2016 by the

Judicial Magistrate First Class. It is further alleged that the applicant was also involved for commission of crime.

3. Learned counsel appearing for the applicant would submit that the applicant has approved the work report which placed before him by the Project Officer B.P. Ratre, who is Head of Jila Panchayat and valuation of work was being done by the Assistant Project Officer. It is further submitted that according to provisions of Manrega, the Collector has power to allot the job to any N.G.O., and it was practically impossible to verify physically by the Collector to evaluate the entire job carried out by NGO and he has to be believed the submission made by the Project Officer, who is Head of the Jila Panchayat. It is further submitted that he has placed the order sheets before him and he being the Collector and over-all Head of the District has approved it and no *mens rea* can be attached to him in the facts and circumstances of the case. He would further submit that charge-sheet has been filed and no further investigation is necessary and considering the role played by the applicant, he may be extended the benefit of anticipatory bail.
4. Learned State counsel opposes the prayer for grant of anticipatory bail.
5. I have heard learned counsel for the parties, perused the case diary and documents which would show that the applicant has approved certain documents of project placed by the Project Officer and the work was allowed to NGO
6. Considering the fact that the report of project work which was placed before him, taking into role played by the applicant, it

appears that no custodial interrogation would be necessary I am inclined to extend benefit of anticipatory bail to the applicant.

7. 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 his executing a personal bond in the sum of Rs.25,000/- with one 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 her by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju