

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C.(A) No. 949 of 2016

1. Digambar Kumar Kashyap, Aged About 25 Years, S/o Parmeshwar Kumar Kashyap, R/o Village Tharakpur, P.S.- Lormi, Tehsil, Civil & Revenue District- Mungeli Chhattisgarh.

2. Vishwanath Soni, Aged About 25 Years, S/o Ramayan Lal Soni, R/o Ganiyari Shashtri Chowk, P.S.- Kota, Civil & Revenue District- Bilaspur Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh Acting Through Anti Corruption Bureau,
District- Bilaspur Chhattisgarh

----Respondent

And

M.Cr.C.(A) No. 1028 of 2016

Annapurna Dewangan, W/o Ramraj Dewangan, Aged About 34 Years, R/o Mahamai Ward, Bithabai Mahre Marg, House No.6, Mungeli, District Mungeli, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The In- Charge Officer, Anti-Corruption Bureau Bilaspur District Bilaspur, Chhattisgarh.

---- Respondent

For applicants – Shri Anand Shukla and Shri Mateen Siddiqui, Advocates.
For Respondent/State – Shri Anil S. Pandey, G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

21/10/2016

1. Both these anticipatory bail applications are decided by this common order as they are arising out of the same crime number.
2. These applications under Section 438 of Cr.P.C. have been filed by the applicants apprehending their arrest in connection with Crime No. 24/2015 registered at Police Station Anti Corruption Bureau, Distt. Bilaspur (C.G.) for offence punishable under Section 120-B of IPC & 13(1) (d) & 13 (2) of the Prevention of Corruption Act, 1988.
3. As per the prosecution case, applicant Digambar Kumar Kashyap

who was appointed in place of Krishna Kumar Kashyap as Assistant Grade-III in Education Department obtained the job on the ground of compassionate appointment after death of Krishna Kumar Kashyap. He being the nephew was adopted by the deceased Krishna Kumar Kashyap and on the basis of forged document of adoption he obtained the job. Likewise, the applicant Vishwanath also obtained the job in place of Narayan Lal Soni on the ground of compassionate appointment he being nephew on the basis of will which was executed in favour by Narayan Lal Soni wherein right and liability were bequeathed in favour of applicant Vishwanath Soni. It is alleged that the said will is also forged and on the basis of forged will Vishwanath obtained the job. Likewise, applicant Annapurna Dewangan obtained the services in place of Ravindra Kumar Dewangan on the basis of adoption deed who was her uncle and on the ground of compassionate appointment she was appointed.

4. Learned counsels for the applicants submit that the applicants are the kith and kin to the deceased. They submit that applicant Digambar Kumar Kashyap and applicant Annapurna Dewangan were adopted and in respect of applicant Vishwanath Soni right were conferred on the basis of the will. They further submit that only on the basis of publication news enquiry was conducted and ultimately the applicants have been dismissed by the order dated 10/03/2014. They further submit that the applicants have been falsely implicated in the case and submit that DEO and other person have already been enlarged on bail by the coordinate bench of this court. Learned counsels for the applicants submit that in respect of the termination, writ petition have been filed wherein notices have been issued. Learned counsels therefore submit that the applicants may be granted benefit of anticipatory bail.

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

6. Perused the case diary and the documents. Taking into fact, nature of allegations and the fact that the applicants have already been terminated and prima facie it appears that the applicants are the kith and kin of the deceased person in whose place the applicants were appointed, I am inclined to extend benefit of anticipatory bail to the applicants.

7. Accordingly, the anticipatory bail applications are allowed and it is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on each of them executing a personal bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned Investigating Officer. The applicants shall also abide by the following conditions:-

- (i) that the applicants shall make themselves available for interrogation before the investigating officer as and when required;
- (ii) that the applicants 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 applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) the applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Sd/-

(Goutam Bhaduri)

JUDGE

