

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****M. Cr. C. (A) No. 141 of 2017**

Sanjay Agrawal S/o Shri Mahangilal Agrawal, aged about 46 years, R/o Schoolpara, Thana & Tahsil Baikunthpur, District- Korea , Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh through the Station House Officer, Police Station Charcha, District- Korea, Chhattisgarh.

---- Respondent

For Applicant	:	Shri Amrito Das, Advocate
For Respondent/State	:	Shri Ashish Shukla, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****08/05/2017**

The present application under Section 438 of Cr.P.C. has been filed seeking for grant of anticipatory bail to the applicant apprehending his arrest in connection with Crime No. 29/2017 registered at P.S. Charcha, District Korea (CG) for the offence punishable under Sections 419, 420, 467, 468 and 471 of IPC.

The case of the prosecution is that the applicant is a proprietor of Chhattisgarh Khadi Gramodyog, a registered body with the State Government and it has also got registered with the Chhattisgarh Commercial Tax Department as well as the District Industries Center as a small scale industrial unit and has been supplying uniforms and other articles that are provided to the peons in the Govt. department and Kotwars of the villages. According to the applicant, he is a regular supplier and has been making supply for the last more than fifteen years. The allegation against the applicant is that he is said to have misused the TIN number that has been allotted to him and has been making fraudulent supply at District Korea.

State counsel refers to a letter dated 11.09.2009 issued in the name of the Manager, Chhattisgarh Khadi Tatha Gramodyog written to the Collector, Korea intimating that the Chhattisgarh Khadi Gramodyog has been appointed as the nodal agency for the purpose of supply of the uniforms and other articles. However, on due verification it was revealed that no such letter has been issued by the Chhattisgarh Khadi Tatha Gramodyog Board. The applicant has also expressed his ignorance in respect of the said letter and it appears that the applicant is said to have made some fraudulent acts in supplying the materials to District Korea.

On perusal of the record particularly the case diary and on a query being made to the State counsel it has been revealed that there is no such complaint received from the Chhattisgarh Khadi Tatha Gramodyog Board in respect of the alleged fraud being played by the applicant using the name of Chhattisgarh Khadi Tatha Gramodyog Board or for that matter for supplying materials projecting himself to be the Chhattisgarh Khadi Tatha Gramodyog Board. There is no complaint whatsoever received from either the District Administration or the CG State Khadi Tatha Gramodyog Board in respect of any illegality or fraud to have been committed by the applicant. The entire complaint has been initiated at the behest of an RTI activist on whose complaint the police Authorities are said to have registered the case.

In the given facts and circumstances of the case, this Court is of the opinion that prima facie a strong case for grant of anticipatory bail has been made out.

In the result, the application u/s 438 Cr.P.C. is allowed. It is directed that in the event of arrest, the present applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000 with one surety in the like sum to the satisfaction of the Officer arresting him and he shall abide by all the following terms and conditions:

- (i) that the applicant shall make himself available for

interrogation before the concerned 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) that 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/-
(P. Sam Koshy)
Judge