

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4987 of 2017

1. Santosh Kumar Ranu S/o Chandicharan Ranu, Aged About 55 Years R/o Luthra Colony, Behind Luthra Hospital, Nehru Nagar, Police Station Civil Lines, Bilaspur, Tahsil, Civil & Revenue District Bilaspur, Chhattisgarh
2. Ram Bahori Shukla S/o Late Hanuman Prasad Shukla, Aged About 57 Years R/o Podi Chirmiri, Tahsil Khadgawa, District Korea, Chhattisgarh

---- Applicants

Versus

- Central Bureau Of Investigation Through S.P. (C.B.I.) Qr. No. 4, Street 15, Sector 9, Bhilai, District Durg, Chhattisgarh

---- Respondent

And

MCRC No. 5040 Of 2017

- Ajay Kumar Singh S/o Shri Badri Nath Singh, Aged About 48 Years Erstwhile Senior Manager (Mining), R/o Amgaon, Open Cast Mine, S. E. C. L., Bishrampur Area, District Surguja Chhattisgarh. R/o Officer Colony, Bhatgaon, Presently R/o Q. No. C 16, Post Bhatgaon Colliery, District Surajpur Chhattisgarh.

---- Applicant

Vs

- Central Bureau Of Investigation A. C. B. Chhattisgarh, Bhilai Branch District Durg Chhattisgarh.

---- Respondent

And

MCRC No. 5041 Of 2017

- Ashutosh Jena S/o Late Natwar Jena, Aged About 56 Years Erstwhile Safety Manager (Mining), Present Address Guest House Bhatgaon, R/o Amgaon, Open Cast Mine, S. E. C. L. Bishrampur Area, District Sarguja (Chhattisgarh).

---- Applicant

Vs

- Central Bureau Of Investigation A. C. B. Chhattisgarh, Bhilai Branch District Durg (Chhattisgarh).

---- Respondent

And

MCRC No. 5166 Of 2017

- Sudarshan Sethi S/o Late Shri Raghu Sethi, Aged About 50 Years R/o Bishrampur Colliery, Police Station Bishrampur, District Surajpur (Chhattisgarh).

---- Applicant

Vs

- Central Bureau Of Investigation Through S. P. (C B I), Qr. No. 4, Street 15, Sec. 9, Bhilai, District Durg (Chhattisgarh).

---- Respondent

For Applicants	:	Mr. T.K. Jha, Mr. Maneesh Sharma, Mr.Devershi Thakur and Mr. Bidya Nand Mishra, Advocates.
For Respondent	:	Mr. Kishore Bhaduri and Mr. Pawan Kesharwani,Advocates.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

03/11/2017

1. Since the above bail applications arise out of the same crime number, they are being disposed of by this common order.
2. Heard on application under Section 439 of Cr.P.C. for grant of bail.
3. These are the first bail applications filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No. 07(A)/2014, registered at Police Station- Central Bureau of Investigation, Bhilai, Chhattisgarh for the offence punishable under Sections 120B, 409 of

Indian Penal Code (for short 'IPC') and Section 13(2) read with Section 13(1)(c) and (d) of Prevention of Corruption Act, 1988.

4. Learned counsel for the applicants submit that the applicants, who are employees of the SECL and posted at Chirmiri area, have been falsely implicated in the crime in question. It is submitted that a case has been registered against the applicants herein on the basis of shortage of coal as found during vigilance inspection conducted in the month of January, 2014, which was infact shortage on account of destruction of extracted coal by fire. After registration of FIR by the CBI, the applicants have extended their full co-operation in the investigation and even the trial Court has granted anticipatory bail to one of co-accused namely Anand Kumar whereas anticipatory bail application of applicant S.K. Ranu has been rejected by the Hon'ble High Court vide order dated 14.7.2017. It is further submitted that applicant S.K. Ranu preferred a petition bearing CRMP No.593/2017, in which an order has been passed on 19.7.2017 granting interim relief to said S.K. Ranu. It is submitted that applicants objected to the first survey made showing huge shortage on the basis of which the stock was remeasured and the shortage of only 3.4% was recorded which was well within the permissive limit of 5%. The applicants are in custody since 20.7.2017, hence, prayed them may be granted bail.
5. Learned counsel for the respondent CBI has vehemently opposes the bail applications of all the applicants and submits that applicant S.K. Ranu is posted as General Manager, Bishrampur area, SECL whereas other applicants are also holding different responsible posts in the SECL and they acting in their capacity as employees of SECL have actively indulged in pilferage of coal, because of which a joint surprise

check was conducted by CBI and Vigilance Wing of SECL in January, 2014, and the shortage of extracted coal was found to the tune of 60,976.86 tonnes, which was 17.87% more than the permissible limit of 5%. Later on, another surprise check was conducted by CBI and the vigilance wing of SECL and Anti Corruption Bureau, from 6.8.2014 to 9.8.2014, in which also shortage of 31,211.85 tonnes of coal was found which was again 12.35%. Thus, the applicants have joint hands in the pilferage of coal which was subsequently sold in the open market and have pocketed the returns. He further submits that total coal of Rs.19 Crore was illegally removed from the mining areas on the strength of forged and fabricated documents which also amounts to misconduct in the eye of law. In this situation, the applicants are not entitled for grant of bail.

6. Heard both the parties and perused the case diary.
7. Charge-sheet has been filed against the applicants before the Special Court, CBI, in which, it is alleged that applicant S.K. Ranu, General Manager, SECL, Bishrampur Area, in collaboration with R.B. Shukla and Anand Kumar posted as Sub Area Manager, has committed the offence of cheating, defalcation, misappropriation, forgery and falsification of record. Co-accused A.K. Singh has become an approver in this case. It was also found in the course of investigation that to cover of the shortage of coal, the applicants herein have obtained the services of M/s SS Chhatwal the over burden removal carrier, for transporting from over stock yard to the stock yard inspected, this has been disclosed by approver Anand Kumar. It is also found in the investigation that applicants have forged the stock register and other documents. Various other irregularities have also been found in the

court of investigation, apart from the fact that excess payment was made to the transporter M/s VECC without there being any transportation of coal by the said transporter. Thus, on the basis of various irregularities & illegalities unearthed during the course of the investigation, applicants have been charge-sheeted and as such, they are not entitled for grant of bail.

8. Taking into consideration totality of the facts and circumstances of the case, in particular the contents of case diary, looking to this fact that the offence committed is of huge magnitude by a racket of persons involved causing huge losses to the public undertaking SECL, I am of the view that present is not a fit where the applicants should be enlarged on bail.
9. Accordingly, all the bail applications are rejected.

Sd/-
(Rajendra Chandra Singh Samant)
Judge