

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3979 of 2017**

- Satyanarayan Aghariya S/o Late Shri Kaliram Aghariya Aged About 57 Years Occupation- Service, In- Charge Assistant Engineer, Nagar Palik Nigam Raigarh, R/o Village- Kapan, Police Station- Janjgir, District- Janjgir- Champa, Chhattisgarh, Present Address: T V Tower, Deendayal Puram, Face- 1, Atal Vihar Yojana, B- Block, Flat No.- 207, Chhote Attarmuda, Raigarh, Police Station- Chakradhar Nagar, District- Raigarh, Chhattisgarh (The Address Mentioned In The Cause Title Of The Impugned Order Dated 23.05.2017 Has Been Now Changed).

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station- Kotwali, District- Raigarh, Chhattisgarh.

---- Non-Applicant

And**MCRC No. 3984 Of 2017**

- Satyanarayan Aghariya S/o Late Shri Kalilram Aghariya, Aged About 57 Years Occupation - Service, In- Charge Assistant Engineer, Nagar Palik Nigam Raigarh, R/o Village - Kapan, Police Station- Janjgir, District - Janjgir- Champa (Chhattisgarh), Present Address: T. V. Tower, Deendayal Puram, Face - 1, Atal Vihar Yojana, B- Block, Flat No. - 207, Chhote Attarmuda, Raigarh, Police Station- Chakradhar Nagar, District - Raigarh (Chhattisgarh) . (The Address Mentioned In The Cause Title Of The Impugned Order Dated 23.05.2017 Has Been Now Changed.)

---- Applicant

Vs

- State Of Chhattisgarh Through: Station House Officer, Police Station - Kotwali, Distt- Raigarh (Chhattisgarh).

---- Non-Applicant

And**MCRC No. 5483 Of 2017**

- Pramod Kumar Jogi S/o Shri Kamta Prasad Jogi, Aged About 30

Years Occupation Service, R/o Heera Number Mitthumuda, Police Station City Kotwali, Out Post Jutmil, Civil & Revenue District Raigarh, Chhattisgarh.

---- Applicant

Vs

- State Of Chhattisgarh Through Station House Officer, Police Station City Kotwali, District Raigarh, Chhattisgarh.

---- Non-Applicant

And

MCRC No. 5486 Of 2017

- Pramod Kumar Jogi S/o Shri Kamta Prasad Jogi, Aged About 30 Years, Occupation Service, R/o Heera Number Mitthumuda, Police Station City Kotwali, Outpost Jutmil, Civil And Revenue District Raigarh, Chhattisgarh.

---- Applicant

Vs

- State Of Chhattisgarh Through Station House Officer, Police Station City Kotwali District Raigarh, Chhattisgarh.

---- Non-Applicant

For Applicants : Shri Gautam Khetrapal and Shri Ashutosh Pandey,
Advocates.
For Non-Applicant : Shri Adhiraj Surana and Shri S. Pandey, Deputy GA.

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

23/11/2017

1. The applicants have preferred these bail applications for grant of bail as they are arrested in connection with Crime Nos.251/2016 and 255/2016 registered at Police Station City Kotwali, District Raigarh for offences under Sections 409, 420/34 and 120-B of the IPC and Sections 13 (1)(d) and 13 (2) of the Prevention of Corruption Act, 1988.

2. Applicant Satyanarayan Aghariya was working as Assistant Engineer whereas applicant Pramod Kumar Jogi was working as Fireman Grade-II/Assistant Clerk in the Municipal Corporation, Raigarh at the relevant time. Satyanarayan Aghariya was part of tender committee which evaluated the tender papers received by the Corporation for purchase of Chlorine balls and containers (dustbin) in these two cases. There are other crime numbers pertaining to purchase of Fencing Pole and Barbed Wire. The applicants have allegedly defalcated/embezzled an amount of Rs.20.59 lakhs approximately (in container matter) in Crime No.255/2016 and Rs.18.85 lakhs approximately (in Chlorine ball matter) in Crime No.251/2016. Applicant Satyanarayan Aghariya is in jail since 23.5.2017 and applicant Pramod Kumar Jogi is in jail since 13.7.2017.
3. It is argued that the main culprit is the Commissioner, Municipal Corporation, Raigarh, however, he has been released on anticipatory bail in 5 out of 7 crime numbers. In these two crime numbers, the Commissioner, Municipal Corporation has not been allowed anticipatory bail but has not surrendered also.
4. Applicant Satyanarayan Aghariya has been allowed anticipatory bail by this Court in MCRCA No.1277/2016 pertaining to Crime No.250/2016, MCRCA No.1280/2016 pertaining to Crime NO.247/2016 and MCRCA No.1284/2016 pertaining to Crime No.248/2016.
5. In these two crime numbers, anticipatory bail applications were withdrawn with liberty to surrender and apply for regular bail for the reason that anticipatory bail application filed by applicant Pramod Kumar Jogi was dismissed as withdrawn on a prior date.
6. Be that as it may, it is argued that the nature of crime in 3 crime numbers wherein applicant Satyanarayan Aghariya has already been released on anticipatory bail and in the present two crime numbers is same barring difference in the amount. Applicant Pramod Kumar Jogi is Class-IV employee and was not member of

the Tender Processing Committee. They are in jail for last about 5 months or more and for the offence under Sections 13(1)(d) and 13(2) of the Prevention of Corruption Act, 1988, they have been discharged as the prosecution failed to obtain sanction from the appointing authority.

7. On the other hand, learned State Counsel would oppose the bail applications.
8. Considering the fact that the offences are triable by the Judicial Magistrate First Class; the applicants are in jail for the last 5 months or more; investigation is complete, as the charge sheet has already been filed; in 3 crime numbers, applicant Satyanarayan Aghariya has already been released on anticipatory bail, this Court is inclined to release the applicants on bail.
9. Accordingly, the applications are allowed and the applicants are directed to be released on bail on each of them executing a personal bond for a sum of Rs.25,000/- with one surety for the like amount to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and every date given by the said Court.

Sd/-
Judge
(Prashant Kumar Mishra)

Barve