

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1188 of 2016

Harikeshwar Lakra S/o Shri Gond Sai Lakra, Aged About 45 Years
Presently Working As Revenue Inspector, Municipal Corporation,
Raigarh, District Raigarh, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through S.H.O., Police Station City Kotwali,
Raigarh, District Raigarh, Chhattisgarh.

---- Respondent

For applicant – Shri Sudeep Agrawal, Advocate.
For Respondent/State – Shri Anil S. Pandey, G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

4/01/2017

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No. 249/2016 registered at Police Station City Kotwali, Raigarh for offence punishable under Sections 420, 409/34 of IPC & 13(1)(d) of Prevention of Corruption Act.
2. As per the prosecution case, a report was made by one Nohar Ram Sahu on 25/04/2016 that on 5/12/2014 Commissioner, Municipal Corporation, Raigarh in connivance with the applicant allotted certain shops overlooking the Committee, which was formed for the allotment to the persons whose shops were affected during the demolition drive of widening of the road. It is alleged that the applicant alongwith other co-workers of the Municipal Corporation have allotted the shops of their own without adhering to their own set-up wherein separate Committee was constituted for allotment. In respect of the said allotment, enquiry was made and on enquiry it was found that the applicant alongwith

other officers committed the offence.

3. Learned counsel for the applicant submits that the applicant was working as Revenue Inspector and he has not made any allotment and the Commissioner who has allotted the shop has already been enlarged on bail by this court and case of the applicant is similar to that of the Commissioner Pramod Shukla who has been enlarged on bail on 20/10/2016 vide M.Cr.C.(A) No.618/2016, therefore the applicant may be granted benefit of anticipatory bail.

4. Learned State counsel do not dispute the fact that similarly placed co-accused has been enlarged on bail on 20/10/2016 vide M.Cr.C.(A) No.618/2016 except for the fact that applicant was working as Revenue Inspector.

5. Taking into facts and circumstances of the case and also for the fact that similarly placed co-accused has been enlarged on bail on 20/10/2016 vide M.Cr.C.(A) No.618/2016, I am inclined to extend benefit of anticipatory bail to the applicant.

6. 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 executing a personal bond in 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 him by the said Court till disposal of the trial.

Sd/-
(Goutam Bhaduri)
JUDGE