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HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 1182 of 2016**

1. Krishna Kumar Shrivastava, S/o. Late B.P. Shrivastava, aged about 73 years, Occupation-Retired Deputy General Manager, R/o. House No.93, Amarnath Colony, Kolar Road, Bhopal, District – Bhopal (M.P.)

----Applicant**Versus**

1. State of Chhattisgarh, Through : the Superintendent of Police, Chhattisgarh State Economic Offence Investigation Bureau, Raipur (C.G.)

---- Respondent**AND****M.CR.C.(A). No. 1241 of 2016**

1. R.K. Katakwar, S/o. Late Shri D.P. Katakwar, aged about 62 years, Occupation- Service, Retired Manager, Chhattisgarh Rajya Bij Awam Vikas Nigam Limited. Address Housing Board Colony, Qtr. No.B/34, Chakradhar Nagar, Raigarh, Tahsil and District – Raigarh (C.G.)

----Applicant**Versus**

2. State of Chhattisgarh, Through : the Superintendent of Police, Chhattisgarh State Economic Offence Investigation Bureau, Raipur (C.G.)

---- Respondent

For Applicants	: Mrs. Hamida Siddique, Advocate
For Respondent/State	: Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order On Board**

17/02/2017

1. Apprehending arrest in connection with Crime No.01/1998 registered at Police Station- Chhattisgarh State Economic Offence Investigation Bureau, Raipur, District – Raipur (C.G.), for offence punishable under Section 120-B of Indian Penal Code and Section 13 (1) (d) R/w. Section 13 (2) of Prevention of Corruption Act, the applicants have preferred these applications for grant of anticipatory bail.
2. Case of the prosecution in brief is that in the year 1995, the applicant Krishna Kumar Shrivastava was working as Regional Manager and the applicant – R.K. Katakwar was working as Branch Manager, M.P. State Agro Industries Development Corporation Limited purchased PVC pipes on higher rate though the rate of PVC was reduced. The said purchase were made with conspiracy with the suppliers, consequently loss of Rs.19.00 lakhs was caused.
3. Learned counsel for the applicants would submit that the entire agreement between Ajay Industries and Movilex Plastic Ltd. was entered by the General Manager and the suppliers at Bhopal and the rate was fixed. Subsequently on the basis of the purchase made with one Jain PVC Products Private Limited, wherein price was less, the letter was communicated to all the suppliers by letter dated 06.12.1995 to reduce the rate, however, the rate could not be reduced by the present applicant since the rate was already fixed by the General Manager and the supplier refused to reduce the rate. It is further submitted that the incident was of 1994-95 and the applicants have already been retired and no further investigation

would be necessary and no further custodial interrogation is required. Therefore, the counsel prays that the applicants may be extended the benefit of anticipatory bail.

4. Per contra, learned counsel for the State opposes the bail application.
5. I have heard the learned counsel for the parties.
6. Perused the various documents, the communication filed with the bail application as also the agreement. Considering the nature of allegation and the period which has passed and as appears both the applicants have retired and the facts of this case as appears different queries and enquiries were made in between long period as appears, the custodial interrogation of the applicants may not be required. Taking into such facts, this Court is inclined to extend the 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 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 applicant 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) that 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge