

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 1277 of 2016**

Satyanarayan Aghariya S/o Late Kaliram Aghariya, Aged
About 57 Years Occupation Service, Incharge, Sub Engineer,
Municipal Corporation, Raigarh R/o Deendayal Puram, Phase-
2, H. I. G., Chote Attarmuda, Raigarh, P. S. Kotwali, Raigarh,
Tahsil & District Raigarh (Chhattisgarh).

---- Applicant

Versus

State Of Chhattisgarh Through Its Station House In-Charge, P.
S. Kotwali, Tahsil & District Raigarh (Chhattisgarh).

---- Respondent

For applicant – Shri Tarkeshwar Nande, Advocate.
For Respondent/State – Shri Anant Bajpai, PL.

Hon'ble Shri Justice Goutam Bhaduri**Order****24/03/2017**

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No. 250/2016 registered at Police Station Kotwali, District Raigarh for offence punishable under Sections 420, 120B of Indian Penal Code & Section 13(2), 13(1) D of Prevention of Corruption Act.
2. As per the prosecution case, a report was made by Nohar Ram Sahu on 25/04/2016 that the applicant who was the member of Scrutiny Committee which was formed to regularize the employees of the Municipal Corporation recommended the names of 50 persons in two lots in their meeting held on 14/01/2015 and 9/10/2015 and on that basis regularization was made though the persons who were regularized were not entitled to be regularized in Municipal Corporation. It is stated that circular of 2008 of State

Government which only permits that person can be considered for regularization if he was in service prior to 2007 and without following the same the regularization were made.

3. Learned counsel for the applicant submits that the applicant was member of both scrutiny which was held on 14/01/2015 and 9/10/2015. He further submits that similarly placed co-accused persons have been enlarged on bail in M.Cr.C.(A) Nos.1195, 1276 and 1288 of 2016 on 13/01/2017, therefore the applicant may be granted benefit of anticipatory bail.

4. Learned State counsel do not dispute the fact that similarly placed co-accused persons have been enlarged on bail in M.Cr.C. (A) Nos.1195, 1276 and 1288 of 2016 on 13/01/2017.

5. Considering the facts and circumstances of the case and also for the fact that similarly placed co-accused persons have been enlarged on bail in M.Cr.C.(A) Nos.1195, 1276 and 1288 of 2016 on 13/01/2017, 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 local 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