

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 1280 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, Police Station 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 Anil S. Pandey, G.A.

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. 247/2016 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, one of the co-accused Pramod Shukla who was Chief Municipal Officer was discharging the job of Municipal Commissioner, Raigarh in the year 2014, certain GS pipes purchase were ordered by the Municipal Commissioner for which a tender was invited. According to the tender, 2% commercial tax was to be deducted and 5% security amount should have been deducted from the successful tenderer. The applicant working under the Commissioner in order to facilitate the tenderer has not deducted

the said sums and thereby the aforesaid offence was committed.

3. Learned counsel for the applicant submits that the applicant was working as Sub Engineer in Municipal Corporation, Raigarh. He further submits that similarly placed co-accused person has been enlarged on bail in M.Cr.C.(A) No. 640/2016 on 16/09/2016, therefore the applicant may be granted benefit of anticipatory bail.

4. Learned State counsel do not dispute the fact that similarly placed co-accused person has been enlarged on bail in M.Cr.C.(A) No. 640/2016 on 16/09/2016.

5. Considering the facts and circumstances of the case and also for the fact that similarly placed co-accused person has been enlarged on bail in M.Cr.C.(A) No. 640/2016 on 16/09/2016, 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 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