

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 1284 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,
Police Station Kotwali, Tahsil & District Raigarh Chhattisgarh

---- Respondent

For applicant – Shri Tarkeshwar Nande, Advocate.
For Respondent/State – Shri Anil S. Pandey, GA.

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. 248/2016 registered at Police Station Kotwali, District Raigarh for offence punishable under Sections 409, 420/34, 120B of Indian Penal Code & Section 13(2), 13(1) D of Prevention of Corruption Act.
2. As per the prosecution case, the allegation levelled against the applicant who was working as Sub Engineer alongwith others during their tenure tender was called without any verification or demand and spot was also not verified for the purchase of fencing pole and barbed wire which was made for Rs.15.85 lakhs. It is further alleged that instead of 2.438 kgs of barbed wire it was inflated ten times and 24.38 kgs of barbed wire was purchased. The

tender was also made without approval of the Government or Mayor-in-council and the publication of the tender was not made in the newspapers circulated in the entire State, but the same were published in District level papers i.e. Dainik Samvad and Samvad Shikhar. It is also alleged that the applicant and other co-accused have not deducted 2% value added tax and thereby the aforesaid offence was committed.

3. Learned counsel for the applicant submits that the applicant was working as Sub Engineer. He further submits that similarly placed co-accused persons have been enlarged on bail in M.Cr.C. (A) Nos.1154 and 1186 of 2016 on 6/01/2017, 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.1154 and 1186 of 2016 on 6/01/2017.

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.1154 and 1186 of 2016 on 6/01/2017, 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