

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 1355 of 2016**

Dr. Pyarelal Saral S/o Shri C.L. Saral, Aged About 43 Years
Occupation Government Service, Working As Veterinary Assistant
Surgeon, Posted At Mobile Unit, Kanker District Kanker Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through In Charge, Anti Corruption Bureau
Jagdalpur Chhattisgarh

---- Respondent

AND**M.Cr.C.(A) No. 1373 of 2016**

Nisha Kadam W/o Shri N.R.Kadam, Aged About 56 Years R/o
Karamchari Colony, Bhanupratappur, Police Station, Bhanupratappur,
District North. Bastar, Kanker , Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through In Charge, Anti Corruption Bureau
Jagdalpur Chhattisgarh

---- Respondent

For the Applicants	:	Shri Awadh Tripathi and Shri Rahul Kumar, Advocate on behalf of Shri R.S. Marhas, Advocate.
For the Respondent/State	:	Shri U.K.S. Chandel, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****15.12.2017**

1. Both these applications are being decided by this common order as they arise from the similar incident. These are the first bail applications under Section 438 of Cr.P.C. filed by the applicants for grant of anticipatory bail, who are apprehending arrest in connection with Crime No. 21 of 2012 registered at Police Station – Anti-Corruption Bureau, Jagdalpur, District – Jagdalpur, Chhattisgarh for the offences punishable under Sections 409,

420, 467, 468, 471 read with Section 120-B of the Indian Penal Code and Sections 13(1)(d) and 13(2) of the Prevention of Corruption Act, 1988.

2. It is submitted by counsel for the applicants that the applicants in both the cases have been falsely implicated in this case. The main accused in this case Dr. D.S. Dhruw, Deputy Director Veterinary Services, Kanker who is responsible for the irregularities because of which the offence has been registered against the applicants. It is also submitted that the vehicle bearing registration No. C.G. 04 B 8395 belonged to applicant – Nisha Kadam (M.Cr.C.(A) No. 1373 of 2016) was hired by Veterinary Department from the month of February, 2010 to August, 2010. In between, the same vehicle was acquired by the police department to be used in naxal operations. As the allegation is that the rent for the said vehicle was withdrawn from veterinary department as well as from the police department. The fact is that applicant – Nisha Kadam had not been a beneficiary of both the withdrawals. In the meanwhile, main accused - Dr. D.S. Dhruw had engaged his vehicle with the veterinary department without giving any information to the department and it was under his pressure that applicant – Dr. Pyarelal Saral submitted and put his signatures on the log book and also the bills to be en-cashed mentioning the engagement of vehicle No. C.G. 04 B 8395, hence, both the applicants are not benefited in any manner from the said irregularities and the crime committed. The applicants are ready to abide by all the conditions that may be imposed on them. Hence, it is prayed that the applicants in both the cases be benefited with grant of anticipatory bail.

4. Learned State counsel opposes the bail application and the

submissions made in this respect. It is submitted that both the applicants had been a party to the commission of offence by which the State has been cheated. Hence, it is prayed that the applicants in both the cases are not entitled for grant of anticipatory bail.

5. Heard counsel for both the parties and perused the case diary.

6. The brief facts of the case are that the vehicle belonging to applicant – Nisha Kadam has hired by Veterinary Department, Veterinary Services, Kanker which was not used by the department because the same vehicle was acquired by the police of Bhanuprattapur for naxal operations. Even then the bills for payment of rent were withdrawn to the tune of Rs.94,535/- from the veterinary department and paid to applicant – Nisha Kadam on the basis of forged bills and documents. Similarly, applicant – Nisha Kadam received Rs.85,220/- as rent from the police department. Thus, on this basis and on receiving information the offence has been registered.

7. Considering the submissions and the contents of the case-diary, in the statement of co-accused - Dr. D.S. Dhruw, the then Deputy Director, Veterinary Services, Kanker he explains about the incident and there is admission made by him that after the hired vehicle was acquired by the police department of Bhanuprattapur he engaged his own vehicle without taking any permission from the department and without entering into any contract with the department. He has stated that it was an understanding between him and Nisha Kadam. According to him, he received the rent amount in cash from her which was paid to her by the department. Taking

into consideration, particularly, the statement of the co-accused, which is a part of the case-diary, I am of the considered view that the present is a fit case where the applicants in both the cases should be benefited with grant of anticipatory bail.

8. Accordingly, the anticipatory bail applications in both the cases 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 in the like sum to the satisfaction of the concerned Investigating Officer. They 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 them 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.'

Sd/-

(Rajendra Chandra Singh Samant)
Judge