

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 15 of 2018

- Madhukar Kumbhare S/o Shri Vitthal Rao Kumbhare, Aged About 57 Years, R/o Flat No. 1, Block - D-1, Shriram Towers, Vyapar Vihar Road, Police Station Tarbahar, District Bilaspur Chhattisgarh By Occupation Executive Engineer, Hasdeo Bairaj, Water Resources Division, Rampur/Korba Chhattisgarh., Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station - State Economic Offences Investigation Wing (E.O.W.), District Raipur Chhattisgarh., Chhattisgarh

---- Non-applicant

For Applicant – Shri D.K. Gwalre, Advocate.

For Non-applicant/State – Shri Anupam Dubey, Deputy Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

04-04-2018

1. Apprehending arrest in connection with Crime No.20/2017, registered at Police Station – State Economic Offences Investigation Wing (E.O.W.), District Raipur, Chhattisgarh for offence punishable under Section 420, 120-B of the IPC, Section 13(1)(d)/13(2) of the Prevention of Corruption Act, 1988, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case without there being any evidence against him. The applicant in capacity of Executive Engineer of Hasdeo Bairaj, Water Resources Division, Rampur/Korba had examined technical bids for the construction of Sarveshwar Anicut on Hasdeo river, out of which, the technical bids filed by three bidders were disqualified on the grounds which are mentioned in the agenda note. The agenda note was again examined by the scrutiny committee consisted of the officers senior to the applicant, who examined the agenda note and had approved it. Subsequent to that, the financial bid of the successful bidder was accepted. Some complaint was

received in E.O.W. and on that basis this applicant was called as a witness to give his statement about the process of acceptance of tender in this case, but, surprisingly, after his appearance before the E.O.W., the FIR was lodged against him. The applicant is a public servant and he is ready to abide by all the conditions to be imposed on grant of bail. Hence, it is prayed that the applicant may be benefited with grant of anticipatory bail.

3. Learned counsel for the non-applicant/State opposes the application and submits that according to the case, this applicant had been instrumental in rejecting the technical bids of those bidders who had quoted lower rate than that quoted by the other bidders who had been found successful according to the report given by this applicant. Hence, a deliberate loss has been caused to the State exchequer because of the act of this applicant. Therefore, no case is made out for grant of anticipatory bail to this applicant.

4. I have heard the learned counsel for the parties and perused the case diary.

5. The case against this applicant is briefly discussed above.

6. Considered on the submissions made and contents of the case diary. Perused the documents attached, the agenda note prepared, in which the technical bids were examined and the reasons given for rejecting the bids of M/s. Sunil Kumar Agrawal and M/s. R. K. Transport and also perused the pre-condition which was a part of the advertisement inviting proposals for the construction of Sarveshwar Anicut. The submission made on behalf of the applicant cannot be discarded at this stage. It is yet to be investigated by the investigating agency that the act of this applicant had been malafide. Hence, for the present, I am of this view that the applicant deserves be benefited with grant of anticipatory bail.

7. Accordingly, the anticipatory bail application is allowed. 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 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) that 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.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge