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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 177 of 2018**

Jasbir Singh Makkad S/o Late Jagdish Lal Makkad Aged About 50 Years R/o Station Road Thomas Gali Mahasamund District Mahasamund Chhattisgarh, District : Mahasamund, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The C. B. I. A. C. B., Raipur District Raipur Chhattisgarh, District : Raipur, Chhattisgarh.

---- Respondent**And****M.Cr.C.(A) No. 240 Of 2018**

Sambhu Nath Mishra S/o Shri Dilip Kumar Mishra Aged About 41 Years Asst. General Manager, At Food Corporation Of India, Reginol Office, New Collectorate Building, Block-A, 4th Floor, Katchery Road, Ranchi Jharkhand R/o Bhrampur, P. S. Bihpur Distt. Bhagalpur, Bihar, District : Bhagalpur, Bihar.

---- Applicant**Vs**

Union Of India Through Superintendent Of Police, Central Bureau Of Investigation, A C B District Raipur Chhattisgarh, District : Raipur, Chhattisgarh.

---- Respondent

For the Applicants	:	Shri Manoj Paranjpe and Shri Maneesh Sharma, Advocates.
For the Respondent/CBI	:	Shri Kishore Bhaduri and Shri Pawan Kesharwani, Advocates.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****13.07.2018**

Heard.

- 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.RC1242016A0005 of 2016 registered at Police Station – Central Bureau of Investigation, ACB, District Raipur, Chhattisgarh for the offence punishable under Sections 120B, 420 and 474 of the Indian Penal Code and Sections 13(2), 12(1)(d) of the Prevention of Corruption Act.

2. Shri Manoj Paranjpe, learned counsel for applicant - Jasbir Singh Makkad in M.Cr.C.(A) No. 177 of 2018 submits that this applicant has been falsely implicated in this case and the fact that the applicant was awarded contract for transportation of food-grains from Food Corporation of India (FCI) Godown to Railhead, Mahasamund, in which he has done the transport work and received the amount as claimed by him. In fact, M/s. Chhattisgarh Gadivahan Hamal Raja Majdoor, Mahasangh, Mahasamund (for short 'CGGHRMMM') is responsible for raising the same bills for transport twice. It is further made clear from the judgment passed by the Commercial Court, Raipur in Civil Suit No. 7B of 2016 filed by FCI against CGGHRMMM in which the claim for excess payment of transportation bill was made against CGGHRMMM and the decree has been passed in favour of FCI. Hence, this is totally a false case and regarding applicant – Jasbir Singh Makkad, no role has been played by him in the commission of offence. Hence, it is prayed that applicant – Jasbir Singh Makkad is entitled for grant of anticipatory bail.

Shri Maneesh Sharma, learned counsel for applicant-Shambhu Nath Mishra in M.Cr.C.(A) 240 of 2018 submits that this applicant has been falsely implicated in this case. He was the Manager of FCI Godown, Mahasamund and he had no role to play in the commission of offence. He has only

forwarded the bills submitted for transport of food-grains. Hence, it is prayed that applicant-Shambhu Nath Mishra may be benefited with grant of anticipatory bail.

3. Learned counsel for the respondent/ Central Bureau of Investigation opposed the bail applications and submit that the case has been investigated and the charge-sheet has been filed. According to the material present in the charge-sheet, it is clearly made out that applicant – Jasbir Singh Makkad is responsible for raising bills of transport twice and receiving the payment of the same. The allegation made against Shambhu Nath Mishra, in this respect, is that he has forwarded and endorsed the bills for transport produced by the other accused persons in a deliberate and fraudulent manner. Hence, the applicants are not entitled for grant of anticipatory bail.

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

5. According to the prosecution case, two godowns are operated in Mahasamund. One of them is owned by the Food Corporation of India (FCI) and the other by the State Warehousing Corporation but both were operated by FCI. A contract for transport of food-grains from FCI Godown was awarded in favour of CGGHRMMM and from State Warehousing Corporation transportation of the same was granted in favour of M/s. Chawla Road Carrier. The allegation and the dispute is regarding raising of the transport bills twice and the allegation against the applicants is that they are also a party to the said conspiracy, cheating and misappropriation of the amount.

6. Considered all the material present in the case-diary. The finding of the Commissioner Court cannot be ignored in which CGGHRMMM has been held responsible for excess payment and the decree has been granted in favour of FCI and it is also clear that in that case M/s. Chawla Road Carrier has not been a party. After due consideration of all the aspects of this case, I feel inclined to grant anticipatory bail to the applicants in both the cases.

7. Accordingly, the bail applications filed by the applicants under Section 438 of the Cr.P.C. are allowed.

8. It is directed that in the event of arrest of the applicants in both the cases 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