

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 875 of 2018**

B. R. Ladiya, S/o. Late Shri Dhaniram Ladia, Aged About 61 Years, R/o. New Changorabhata, Ring Road No. 1, P.S. - D.D. Nagar, District Raipur Chhattisgarh. By Occupation - Superintending Engineer, Hasdeo Project Division, Rampur/Korba Chhattisgarh. Present Address - O/o Engineer In Chief, Water Resources Department, Shihawa Bhawan, Civil Lines, Raipur Chhattisgarh.

----Applicant**Versus**

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

---- Respondent

For Applicant	: Mr. D.K. Gwalre, Advocate
For Respondent/State	: Mr. Ashish Shukla, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****28/08/2018**

1. Apprehending arrest in connection with Crime No.20/2017, registered at Police Station – State Economic Offences Investigation Wing, District – Raipur (C.G.) for offence punishable under Section 420, 120-B of the Indian Penal Code, 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. No case is made out against the applicant on the basis of the material present in the case diary. The investigation is now completed as the proceeding has been made to obtain sanction of the State Government for prosecuting the case against the accused persons in this case. The applicant had been Superintending Engineer in Hasdeo Project Division and has performed his work according to the norms laid

down and the rules applicable. It is submitted that similarly placed co-accused person namely Madhukar Kumbhare has been released on anticipatory bail by this Court in M.Cr.C.(A) No.15/2018, vide order dated 04.04.2018. Therefore, it is prayed that the applicant may be enlarged on anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect. It is submitted that there is sufficient evidence present in the case diary to make out the prima-facie case against the applicant. Hence, the application be rejected.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. The allegation against the applicant and other co-accused persons is this that in the tender process for the construction of Sarveshwar Anicut on Hasdeo river, the applicant has approved the agenda note by the co-accused Madhukar Kumbhare, who happens to be Executive Engineer in that project and later on agenda was again approved by the Scrutiny Committee in which the applicant was a member. The allegation against this applicant is this that in that tender process, in order to extend favour to some of the selected contractors, some other bidders were disqualified for petty reasons and thus were kept out of bid process intentionally in a mala fide manner. Hence, this case.
6. Considered the submissions made and the documents placed on record. After due consideration on all the material present in the case diary and also considering about the process that has been followed in tender process I am of this view that the person, who have lost their bids have other remedy available about being

disqualified, hence, considering the facts and circumstances of this case, this Court is of the opinion that present is a fit case, in which the applicant should be extended the benefit of Section 438 of Cr.P.C.

7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
8. 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge