

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No.5339 of 2018**

Harishankar Sahu, S/o Shri D.R. Sahu, aged 47 years, R/o 157/31, Steel Colony, Ward No.60, Nehru Nagar (West), Bhilai, Chhattisgarh

---- Applicant

versus

State of Chhattisgarh through Police Station Bemetara, District Bemetara, Chhattisgarh

---- Respondent

For Applicant	:	Shri Anurag Dayal Shrivastava, Advocate
For Respondent	:	Shri Neeraj Kumar Sharma, Deputy Government Advocate

Hon'ble Shri Justice Arvind Singh Chandel**Order on Board****5.9.2018**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the Applicant who has been arrested in connection with Crime No.155 of 2017 registered at Police Station Bemetara, District Bemetara for offence punishable under Sections 420, 467, 468 and 471 of the Indian Penal Code.
2. The prosecution case, in brief, is that the Applicant is the Director of M/s Kulkarni and Sahu Buildcon Private Limited, Durg (henceforth 'the Company'). A contract for construction of road under the Scheme of Pradhan Mantri Gram Sadak Yojana was awarded to the Company for Rajnandgaon Circle by the Superintending Engineer, Rajnandgaon on behalf of the Chhattisgarh Rural Road Development Agency. Allegedly, the Applicant, the Director of the Company and Surendra Kumar

Choudhary, one of the employees of the Company had procured an amount of Rs.7,69,374/- by submitting forged royalty clearance certificate dated 29.12.2016. It is further alleged that another certificate dated 22.2.2017 for an amount of Rs.87,308/- was also submitted, but the said amount was not disbursed to them. A written complaint was lodged by Santosh Kumar Sahu, Executive Engineer on 16.3.2017. On the basis of the said complaint, the aforestated offence has been registered and during the course of investigation, the Applicant has been arrested.

3. Learned Counsel appearing for the Applicant submits that the Applicant is innocent and he has been falsely implicated in the case. He is not at all concerned with the alleged offence. Neither he is a part of the preparation of the alleged forged documents nor it was within his knowledge. Being the Director of the Company, he is responsible for managing its affairs, but if any criminal activity has been committed by any of its employees, which is neither in his knowledge nor he is a part of the alleged activity, he should not be held responsible for the same. Virtually, Surendra Kumar Choudhary, who was an employee of the Company, is the only responsible person for the alleged criminal activity. As soon as this fact came to the knowledge of the Company, a report was lodged on behalf of the Company against Surendra Kumar Choudhary on 6.3.2017. A letter was also sent by the Company to the concerned department and in response thereto the embezzled amount has already been deducted by the department from the security deposit made with regard to the contract. The main accused is absconded and, therefore, charge-sheet has not yet

been filed. The Applicant is in custody since 7.7.2018. Trial will take much more time. Therefore, he may be released on bail.

4. Learned Counsel appearing for the State opposes the prayer for bail.
5. I have heard Learned Counsel appearing for the parties and perused the entire case diary with due care.
6. Taking into consideration the facts and circumstances of the case, the period of detention of the Applicant and also considering that the trial is likely to take time, I am inclined to release him on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the Applicant shall be released on bail on furnishing a personal bond in the sum of Rs.1,00,000/- with two solvent sureties each in the sum of Rs.50,000/- to the satisfaction of the concerned Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
JUDGE