

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 1010 of 2018**

R. N. Divya, S/o. Late Shri Panchram Divya, Aged About 61 Years, R/o. D-02 Irrigation Colony, Hasdeo Bango Pariyojna Colony Kududand, Police Station Civil Line Bilaspur District Bilaspur C. G. Chief Engineer, Minimata Hasdeo Bango Pariyojna, Water Resources Department Bilaspur District Bilaspur Chhattisgarh.

----Applicant**Versus**

The State Of Chhattisgarh, Through : Economic Crime Investigation Bureau, Raipur District Raipur Chhattisgarh.

---- Respondent

For Applicant	: Mr. S.C. Verma, Advocate
For Respondent/State	: Mr. Ramakant Mishra, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****13/09/2018**

1. Apprehending arrest in connection with Crime No.20/2017, registered at Police Station – Economic Crime Investigation Bureau, Raipur District – Raipur (C.G.) for offence punishable under Section 420, 120-B of the Indian Penal Code and Section 13 (1) (D) and 13 (2) of 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. The applicant is the Chief Engineer of Hasdeo Bango Project. The complainant has made allegation regarding the procedure of opening bids for project

of Sarveshwar Anicut on Hasdeo river claiming that the applicant and others have high handedly disqualified him from the bidding process in the said tender process, whereas, the complainant was disqualified by a scrutiny committee of the State Government from the bidding in the said tender process. The complainant had challenged his disqualification before this Court in W.P.(C) No.1200/2017, which has been finally dismissed by this Court vide order dated 16.08.2017 and the FIR lodged in this case is also based on the same facts. The similarly placed co-accused persons have been granted anticipatory bail by this Court. Hence, it is prayed that the applicant may also 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 the case of applicant is not similarly placed to that of the co-accused, who have been granted anticipatory bail. In preliminary enquiry made by the police, this applicant has been found responsible for wrongfully disqualifying of the complainant, who is a contractor and because of the act of this applicant and other co-accused persons, huge financial loss has occurred to the State exchequer. Hence, it is prayed that the applicant may not be released on anticipatory bail.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. It is alleged that this applicant and co-accused persons in order to extend favour some selected contractors, disqualified some of the bidders/contractors for petty reasons, thus they were kept out of bidding process and complainant was one of them. Hence, this case.

6. Considered the submissions made and the contents of the case diary. Considering on the entire material present in the case diary, it is a case in which no delivery of property has taken place. The main allegation is that because of the illegal act done by the applicant and others, the State has suffered financial loss, this matter can also be dealt with departmentally, hence with this observation, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.
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

Balram