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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 110 of 2019**

Pramod Kumar Sharma S/o late Shri Rajaram Sharma, aged about 60 years, the then Chief Executive Officer, Zila Antyavyasayi Sahkari Vikas Samiti Maryadit, Ambikapur, District Surguja, R/o Sarkanda District Bilaspur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Deputy Superintendent of Police, ACB Bilaspur, District Bilaspur, Chhattisgarh.

---- Respondent

For the Applicant	:	Ms. Naushina Afrin Ali and Shri Ajay Kumrani, Advocates.
For the Respondent/State	:	Shri A.N. Bhakta, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****28.01.2019**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.
2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicant who is apprehending arrest in connection with Crime No. 39 of 1998, registered at Police Station – Anti Corruption Bureau, District Bilaspur, Chhattisgarh for the offences punishable under Sections 13(1)(D) and 13(2) of the Prevention of Corruption Act, 1988 and Sections 120B, 420, 467, 468 and 471 of the Indian Penal Code.

3. It is submitted by 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 placed before the Court by the prosecution. The applicant was Chief Executive Officer, Zila Antyavyasayi Sahkari Vikas Samiti Maryadit, Ambikapur. In 1994-95, according to the scheme of government, 13 beneficiaries were supplied with cows under Dairy Scheme of the government and the cows supplied were not healthy and were not of good breed. A complaint was made by some unknown persons making allegation that this applicant and others had conspired and supplied cows of lesser breed and lesser price to the beneficiaries and have embezzled the funds in this respect. The Collector himself examined the complaint and gave a report that no such embezzlement has taken place. Thereafter, a correspondence was issued to the police that proceedings need not continue against him. All of sudden, this applicant has received a notice from Investigating Officer regarding filing of charge-sheet before the Court. This applicant was always available to the respondent but he was never arrested, however, he has cooperated in the investigation and has given appearance as and when called by the Investigating Officer and at this stage, there is no requirement of any custodial interrogation of this applicant. Hence, it is prayed that the applicant be enlarged on anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that the committee had made an enquiry in the anonymous complaint and found that the beneficiaries were supplied with cows of lesser breed and lesser price, which shows that this applicant has conspired with others in committing the offence alleged. Hence, the applicant is not entitled for grant of anticipatory bail.

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

6. The case against the applicant is briefly discussed herein-above. This applicant has filed a writ petition (criminal) before this Court in which interim relief was ordered in his favour. On that basis, the investigation remained stayed for so many years. The case was finally disposed off by this Court and stay has been vacated because of which, the case is now ready for filing of charge-sheet.

7. Considering that the investigation is complete, the applicant is a public servant, the incident occurred almost more than 20 years before and there appears to be no requirement of custodial interrogation in this case, for these reasons, I feel inclined to grant anticipatory bail to the applicant.

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

9. Accordingly, the anticipatory bail application is allowed and 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 them 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.'

Sd/-

(Rajendra Chandra Singh Samant)
Judge