

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C.(A.) No. 93 of 2019

- Kishore Kumar, S/o Late R.L. Dev, aged about 49 Years, R/o HIGC-46, Shailendra Nagar, Raipur, District – Raipur, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh. Through : Economic Office Wing And Anti Corruption Bureau, Raipur, Chhattisgarh (Now Anti Corruption Bureau, Bilaspur, Chhattisgarh, Through: Its Inspector Anti Corruption Bureau Bilaspur, Chhattisgarh).

---- Respondent

M.Cr.C.(A.) No. 204 of 2019

- Vijay Shankar Prasad, S/o Late Awadh Kishore Prasad, Aged About 62 Years, Assistant Director, Aupchariketar Siksha Sanchalak, Ramanujanj (Now Retired), R/o Pratappur Naka Ambikapur, District – Surguja, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh, Through: The Anti Corruption Bureau, Raipur District Raipur, Chhattisgarh.

---- Respondent

&

M.Cr.C.(A.) No. 232 of 2019

- Ashish Dubey, S/o Late Vijay Nath Dubey, Aged About 55 Years, Then Assistant Director Aupchariketar Siksha Sanchalak, Ambikapur, R/o

Pratappur Naka Ambikapur, District - Surguja, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh, Through: Anti Corruption Bureau, Raipur, District Raipur, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Manoj Paranjpe, Advocate in MCRCA No.93/2019. Mr. Nishikant Sinha, Advocate in MCRCA No.204/2019. Mr.Sunil Tripathi, Advocate in 232/2019.
For Respondent/State	:	Mr. H.S. Ahluwalia, Dy. Adv. General.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

08/02/2019

1. As the above applications arise out of the same incident, they are being disposed of by this common order.
2. Above applicants have preferred these applications for grant of anticipatory bail as they apprehend their arrest in connection with Crime No.115/1998 registered at Police Station- Anti Corruption Bureau, Raipur, District – Raipur, (C.G.), for the offence punishable under Sections 13 (1) d & 13 (2) of Prevention of Corruption Act 1988 & 120 B of I.P.C.
3. Learned counsel for the applicants submits that applicants are innocent and have been falsely implicated in these cases. The FIR was registered on 05.10.1998. The applicants in the above cases were serving in their respective posts and were always available for investigation purposes and they never absconded. On the other hand, all the applicants were working as public servants at that time and are

still continuing as public servant and receiving salaries from the government. Role of these applicants in the said Selection process was limited to the verification of applications submitted by the candidates, which they have done accordingly. None of these applicants was a Member of the Selection Committee, against whom the allegation leveled is that ineligible candidates were appointed by the Selection Committee. After passing of more than twenty years, now the charge sheet has been filed in which the applicants have been summoned to give their appearance. At present the offences registered against them are non-bailable, that is why they are apprehending their arrest. Hence, it is prayed that applicants may be enlarged on anticipatory bail.

4. Learned State counsel opposes the bail applications and the submissions made in this respect. It is submitted that there is sufficient evidence present in the case diary showing involvement of these applicants in commission of offence, hence, no case is made out for grant of anticipatory bail.
5. Heard both the parties and perused the case diary.
6. FIR was lodged on 05.10.1998 in which it was alleged that these applicants and other co-accused persons have committed irregularities in making appointment of candidates for the post of Siksha Karmi Grade-I and Siksha Karmi Grade-II, which were opposed to the Bharti Tatha Sewa Ki Sharte Rules 1997. Thus, by hatching up a conspiracy they have provided undue advantage to the ineligible candidates and thereby benefited themselves by misusing their public office. Hence, this case.

7. After perusing the case diary it appears that the investigation is over and the case is now pending before the trial Court. These applicants had never been absconding nor their arrest has ever been sought. Hence, at present the only requirement of these applicants is to face the trial. Thus, for the aforesaid reasons and considering the fact that applicants are public servants and still continuing in service, I am of this opinion that these applicants deserve to be granted anticipatory bail.
8. Accordingly, the anticipatory bail applications of applicants are allowed and it is directed that in the event of arrest of the applicants in connection with the above crime numbers, they shall be released on bail by the officer arresting them on their executing a personal bond in the sum of Rs.25,000/-each with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicants 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 him/her 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