

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 293 of 2019**

Hiramani Singh Baghel S/o Shambhu Singh Aged About 68 Years
Occupation Government Employee, R/o Om Colony, Pali Road, Shahdol M.
P., District : Shahdol, Madhya Pradesh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Superintendent Of Police, Anti
Corruption Bureau, Bilaspur District Bilaspur Chhattisgarh, District :
Bilaspur, Chhattisgarh.

---- Respondent**And****M.Cr.C.(A) No. 275 Of 2019**

Dr. Tanvir Ahmad S/o Shri S. Ahmad Aged About 57 Years R/o Mominpura,
Ambikapur, District Surguja Chhattisgarh, District : Surguja (Ambikapur),
Chhattisgarh.

---- Applicant**Vs**

State Of Chhattisgarh Through The Deputy Superintendent Of Police, Anti
Corruption Bureau, Bilaspur District Bilaspur Chhattisgarh, District :
Bilaspur, Chhattisgarh.

---- Respondent

For the Applicants	:	Shri T.K. Tiwari, Advocate.
For the Respondent/State	:	Shri H.S. Ahluwalia, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****06.03.2019**

Heard.

- Both these applications are being decided by this common order as they arise from the similar incident. These are the first bail applications under Section 438 of Cr.P.C. filed by the applicants for grant of anticipatory bail, who are apprehending arrest in connection with Crime No.39 of 1998 registered at Police Station – ACB, Bilaspur for the offence punishable under

Sections 13(1)(d) and 13(2) of the Prevention of Corruption Act and Sections 420, 467, 468 and 471 read with Section 120(B) of the Indian Penal Code.

2. Learned counsel for the applicants submits that the applicants have 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. Applicant – Hiramani Singh Baghel in M.Cr.C.(A) No. 293 of 2019 was Chief Executive Officer of Animal Husbandry and applicant – Dr. Tanvir Ahmad in M.Cr.C.(A) No. 275 of 2019 was Veterinary Surgeon in the year 1994-95. Totally false allegations have been made against these applicants. After passing of almost 25 years, the applicants have received notice to appear before the Court as the charge-sheet has to be filed. The applicants were always available to the police and they have cooperated with the investigation, but they were never arrested. As the offences registered against them are now non-bailable, therefore, they have apprehension that they may be arrested. Hence, it is prayed that the applicants in both the cases are entitled for grant of anticipatory bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that serious allegations are present against these applicants regarding the offence of embezzlement committed by them. Hence, no case is made out for grant of anticipatory bail to the applicants in both the cases.

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

5. It is alleged that in the year 1994 under a Government scheme, 13 beneficiaries were supplied with cows under Dairy Scheme which were not of good breed and healthy, therefore, it is alleged that these applicants with the assistance of the co-accused persons they provided the cows of lesser price to the beneficiaries, and had misappropriated the funds. Hence, this case.

6. Considering that the case is pending since long for the investigation, the applicants were always available and both the applicants are public servants, therefore, at this stage, when the charge-sheet has to be filed and there is no requirement of any custodial interrogation, I feel inclined to grant anticipatory bail to all the applicants in both the cases.

7. Accordingly, the bail applications filed by the applicants in both the cases under Section 438 of the Cr.P.C. are allowed.

8. It is directed that in the event of arrest of the applicants in both the cases in connection with the aforesaid offence, they shall be released on bail by the Officer arresting them 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. They shall be required to appear before the concerned Court and they 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 them 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