

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****M.CR.C.(A). No. 360 of 2019**

Ramsharan Singh Bhadoriya, S/o. Late Shri Raj Bhadur Singh, Aged About 64 Years, R/o. House No. 56, Shanti Nagar, Sukma, District-Sukma, Chhattisgarh.

----Applicant***Versus***

State Of Chhattisgarh, Through : The Station House Officer, Police Station- Civil Lines, Raipur, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Prafull N. Bharat, Advocate with Mr. B.D. Guru, Advocate
For Respondent	: Mr. I. Lakra, Dy.G.A.
For Objector	: Mr. Avinash K. Mishra, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****29/03/2019**

1. Apprehending arrest in connection with Crime No.75/2019, registered at Police Station – Civil Lines, Raipur, District – Raipur (C.G.) for offence punishable under Section 420, 467, 468, 471 of the Indian Penal Code, 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. No case is made out against the applicant on the basis of the material present in the case diary. It is the case against this applicant that he deliberately submitted forged TDR/FDR in the submission of his bid in the Public Works Department and PMGSY with respect to the work of construction of road. The case of the applicant is this that submission of erroneous FDR/TDR happened, because of the mistake of his clerk and the applicant made all efforts to rectify the

same by sending intimation before opening of the bid on 23.05.2018 and also sending another intimation on 25.05.2018 that his bid be considered as zero bid, which shows his bonafides. The applicant though has tried his best to rectify the mistake committed, but he has been blacklisted and recovery proceeding has been initiated against him. Public Works Department and PMGSY have taken action against the applicant by blacklisting him and initiating the recovery proceeding but no complaint was filed by these departments against the applicant for initiating criminal action. The complainant in this case, is a rival contractor and who is not a party who has been defrauded, cheated or suffered any loss, has filed complaint against this applicant on the basis of which this case has been registered against him. Therefore, it is prayed that the applicant may 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, according to the evidence present in the case diary, no case is made out for grant of anticipatory bail.
4. Counsel for the objector assisting the State counsel submits that the complainant had earlier filed complaint in police station on which no action was taken, thereafter, he was compelled to file W.P. (Cr.) No.15/2019 and in which the order dated 15.01.2019 was passed. Thereafter, the FIR has been registered in this case. In case, if this applicant is granted anticipatory bail, there is likelihood that he may interfere with the investigation and caused disappearance of the evidence. Therefore, the application of the applicant be rejected.

5. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
6. FIR has been lodged against the applicant that while submitting bid in the Public Works Department, he had annexed forged FDR for the security money, which was found forged on verification from the concerned Bank, therefore, offence of cheating and forgery has been registered against the applicant.
7. Considered the submissions made and the contents of the case diary. As the applicant had himself made efforts and intimated Public Works Department about error on his part, the criminality regarding this act shall be examined in the investigation of the case. Further no loss has been caused to the State exchequer and no work was allotted to the applicant on the basis of the erroneous submissions of bid, hence for this reason, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.
8. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
9. 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