

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****M.CR.C.(A). No. 1043 of 2019**

Yugbodh Agrawal, S/o. Lalchand Agrawal, Aged About 52 Years, Director - Parbodh and Company Pvt. Ltd. R/o. 16/1, Geetanagar, Chaubey Colony, Raipur Chhattisgarh.

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

State Of Chhattisgarh, Through : State Economic Offence Wing, Civil Line, Raipur Chhattisgarh.

---- Respondent

For Applicant	: Mr. Ali Asgar, Advocate
For Respondent/State	: Mr. Devendra Pratap Singh, Dy.A.G.
For Objector	: Mr. Bhaskar Payashi, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****12/07/2019**

1. Apprehending arrest in connection with Crime No.40/2013, registered at Police Station – Economic Offence Wing (EOW), Raipur, (C.G.) for offence punishable under Section 13 (1) D, 13 (2) of Prevention of Corruption Act & Section 120 (B), 420 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. The applicant is director of private company. In the tender floated by C.G. Test Book Corporation, the bid of the

applicant company was accepted and work order was issued with conditions that printing shall be made on the paper of 330 GSM and the corner shall be rounded. As the paper of 330 GSM are not available in the Indian Market and rounding of the corner was likely to take more time, therefore, on the correspondence made by the applicant, the Corporation acceded to his request and permitted to do the printing on paper of 300 GSM with sharp corners. The order was completed and printed material was supplied, against which the payment of the bill has been made. The complainant is a journalist, who has some grievances with Shubhash Mishra, the Managing Director of the Corporation because of which, this false FIR has been lodged. This applicant has fully participated in the investigation so far and is not connected with any offence under P.C. Act. There is no registration of offence under Section 8 of P.C. Act, which relates to private person. Therefore, it is prayed that the applicant may be granted 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 investigation in this case is still pending, therefore, the application be rejected.
4. Counsel for the objector submits that work order was issued on clear terms of paper of rounded corners and thickness of 330 GSM. The Corporation has only for the benefit of this applicant has agreed for the printing to be made on paper of thickness 300 GSM and the condition of rounded corner was also given up. Because of reducing thickness of the paper and exempting the dye-cutting of the printing material, the difference of claim of bill was huge amount to the tune of Rs.4.00 Crores. The complainant had also filed a

complaint before the Pramookh Lokayukt, C.G. Lokayukt, whereby vide order dated 27.03.2019, it was directed that enquiry be made against the concerned public servant for the misconduct on their part in this project. It is also submitted that on EOW report, it has been found that because of variation in the terms of work order, loss of Rs.3,61,99,875/- has been caused to the State. Therefore, looking to the huge defalcation in this case, the applicant is not entitled for grant of anticipatory bail.

5. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
6. The case registered against the applicant has been briefly discussed herein above.
7. There is no denial that the proposition made by the applicant, who is representative of the printing company, has been accepted by the Corporation and the printing work was done accordingly. Dispute has been raised by the complainant, who is a third party regarding the payment made to the applicant company and so far it has appeared that Corporation has not come up against the applicant company. There is direction of the Pramookh Lokayukt to make an enquiry on the conduct of the officers concerns. The payment in excess bill charged by the applicant company, can be recovered from the applicant company at later stage also. It is also submitted by the counsel for the applicant, that out of the payment to be made to the applicant company, Rs.70.00 lakhs have been withheld for payment, therefore, after over all consideration in all the facts and circumstances of the case, 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