

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 1407 of 2019

1. Suresh B. Matali S/o Shri B.S. Matali Aged About 52 Years Addl. General Manager (Civil), R/o House No. 10, Ashoka Lifestyle, Dharampura - 3, Police Station City Kotwali, Jagdalpur, District Bastar Chhattisgarh. Permanent R/o H.No. Mig - 39, Jalanagar, Vijayapura, 586101, Karnatka.
2. A.V.R. Murty S/o Shri A. Krishna Murty Aged About 54 Years Joint General Manager (Civil), R/o House No. 69, Ashoka Lifestyle, Dharampura 3, Police Station City Kotwali, Jagdalpur, District Bastar Chhattisgarh. Permanent R/o H.No. 12-2-16/2, Chinna Veedhi, Samalkot, 533440, East Godawari District, Andhra Pradesh.

---- Applicants

Versus

- State Of Chhattisgarh Through Police Station City Kotwali, Jagdalpur, District Bastar Chhattisgarh.

---- Respondent

For Applicants	: Mr. Arvind Shrivastava, Advocate.
For Respondent/State	: Mr. Alok Nigam, G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

28/11/2019

1. The applicants have filed this bail application for grant of anticipatory bail under Section 438 of the Cr.P.C. as they are apprehending their arrest in connection with crime no. 409/2019, registered at Police Station Kotwali, Distt. Jagdalpur (C.G.), for the offence punishable under Sections 109, 120(B), 420, 467, 468, 406, 407, 408 & 409 of the IPC.
2. As per prosecution story, Railway line was proposed to be laid under Jagdalpur Rawghat Project, wherein, firstly railway tracks had to be laid at village Kangoli. Allegedly, the present applicants, who are Additional G.M. (Civil) and Joint G.M. (Civil) in IRCON International Limited, conspiring with other co-accused persons, changed the alignment of railway line at

Village Kangoli and proposed it to Village Palli. Allegedly, to obtain compensation at higher rate, Nilima and Bali Nagwanshi got the Railway track deviated and colluding with other co-accused persons, illegally obtained compensation at much higher rates. On the basis of said background, offence has been registered.

3. Learned counsel appearing on behalf of the applicants submits that the applicants are innocent and have been falsely implicated in the present case. *Prima Facie* no case can be made out against the applicants. They both are the officers of IRCON International Limited. For the aforesaid purpose, Local MLA, Office of Chief Minister, Collector Bastar, Secretary Government of Chhattisgarh, Department of Commerce & Industries Chhattisgarh and Chief Executive Engineer of Bastar Railways have also recommended to open Railway Station at village Palli. Therefore, the applicants have changed the alignment and proposed the Railway Station at Village Palli and accordingly they have made a proposal which has been duly approved by the higher officials of government. The Counsel further submits that the applicants are the reputed persons of their society, they are the permanent resident of above mentioned address and there is no change of their absconding, therefore, they may be granted benefit of anticipatory bail.
4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for the parties.
6. Considering the facts and circumstances of the case, evidence collected by the prosecution, arguments advanced by both the counsel appearing for the parties and further considering the fact that the applicants are the officers of IRCON International Limited they proposed Village Palli for opening Railway Station as recommended by officials of government and MLA and proposal made by them which has been duly approved by higher officials also. Without further commenting on other merits of the case, in my considered opinion, it is a fit case for grant anticipatory bail to the applicants.

7. Accordingly, the anticipatory bail application is allowed.
8. It is directed that in the event of arrest, the applicant shall be released on bail on each of them furnishing a personal bond in the sum of Rs. 25,000/- with one surety for the like sum to the satisfaction of the officer arresting them and they shall abide by all the following terms and conditions:-
- I. That the accused/applicants shall made themselves available for interrogation before the concerned Investigating Officer as and when required;
 - II. The accused/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. The accused/applicants shall not act, in any manner which will be prejudicial to fair and expeditious trial; and
 - IV. 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/-

(Arvind Singh Chandel)
Judge