

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 436 of 2020

1. Amar Kumar Sinha S/o Lt. Shri Ramsuyash Sinha Aged About 57 Years R/o House No. C/139 Vasant Vihar Colony, Sipat Road, Bilaspur Chhattisgarh.

Permanent Address Dedhua, P.S. Dumda, District Sitamarhi, Bihar.

2. Ramesh Patel S/o Shri Ramgopal Patel Aged About 46 Years R/o Kunjedabri, P.S. Jute Mil, Raigarh Chhattisgarh.

---- Applicants

Versus

1. Union Of India Through Superintendent Of Police, Central Bureau Of Investigation, ACB District Raipur Chhattisgarh.

---- Respondent

And

MCRCA No. 467 of 2020

1. Subodh Ku. Tiwari S/o Late Nand Kumar Tiwari Aged About 56 Years R/o D-36, Vasant Vihar Colony, Seepat, Police Station Sarkanda, Tahsil And District Bilaspur, Chhattisgarh.

---- Applicant

Versus

1. Central Bureau Of Investigation (C.B.I.) Through - S.P. (C.B.I.), Qr. No. 4, Street 15, Sector 9, Bhilai, District Durg, Chhattisgarh.

---- Respondent

For respective
Applicants

Mr. Pragalbha Sharma & Shri Ankit Pandey,
Advocate

For Respondent

Mr. Himanshu Pandey, Adv. on behalf of Shri
B. Gopa Kumar, Assistant Solicitor General

Proceedings through Video Conferencing

Hon'ble Mr. Justice Prashant Kumar Mishra

Order On Board

14/7/2020

1. Since both the applications are arising out of same crime i.e. crime No.RC1242016A0008 (dated 9-11-2016) [as per final report] they are being considered and decided by this common order.
2. The applicants have preferred these applications for grant of anticipatory bail, as they apprehend their arrest in connection with crime No.RC1242016A0008 (dated 9-11-2016) [as per final report] registered by the police of Police Station CBI, ACB, District Raipur, for offence punishable under Sections 120-B & 409 of the Indian Penal Code and Sections 13 (2) read with Section 13 (1)(c) & 13(1)(d) of the Prevention of Corruption Act, 1988.
3. In a joint surprise check conducted in April, 2016 by a joint team comprising officers of CBI, SECL & CIL at Jampali Open Cast Mines (OCM) of SECL, Raigarh Area shortage of coal Grade-8 and Grade-12 was found in coal stock of Jampali OCM and the approximate loss due to the shortage of coal was to the tune of Rs.3.43 crores. The FIR was registered on 9-11-2016. The investigation continued for about 4 years when eventually the charge sheet has been filed on 28-2-2020. During this period the Investigating Officer did not arrest the present applicants.
4. On the last date of hearing this Court wanted the Investigating Officer to inform this Court by written submission as to whether custodial interrogation of the applicants is required or not.
5. In the application filed before this Court it is stated by the Investigating Officer that the charge sheet having already been filed on 28-2-2020 the custodial interrogation of the applicants is not required. All the applicants are the officers of SECL, therefore, there is no possibility of their absconding and not taking participation in the trial.

6. Considering the entire facts situation of the case and particularly for the reason that the Investigating Officer does not need custodial interrogation of the applicants and, in fact, the applicants were never arrested during the period of four years when the investigation continued, this Court is inclined to release the applicants on anticipatory bail.
7. Accordingly, both the applications are allowed and it is directed that in the event of arrest of the applicants, they shall be released on anticipatory bail on each of them executing a personal bond for a sum of Rs.50,000/- (Rupees Fifty Thousand Only) with one surety in the like sum to the satisfaction of the arresting officer with the following conditions:-
 - (a) they shall make themselves available for interrogation by a police officer as and when required;
 - (b) they 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 from disclosing such facts to the Court or to any police officer.
 - (c) they shall not influence the witnesses during pendency of the trial.

Sd/-
(Prashant Kumar Mishra)
Judge

Gowri