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HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1297 of 2020

Hitesh Choubey S/o Late Iswar Prasad Choubey aged about 36 years,
R/o Agrasen Nagar Agroha Society, Police Station: D.D. Nagar Raipur
Chhattisgarh, Properitor at Hope Enterprises Shop No. 222, Second
Floor Orbit Tower Sunder Nagar Chowk Raipur Chhattisgarh, District :
Raipur, Chhattisgarh

---- Applicant

Versus

State of Chhattisgarh Through Station House Officer, Police Station
Economic Offence Wing, Raipur District: Raipur, Chhattisgarh

---- Respondent

For Applicant	: Mr. A.V. Shridhar, Advocate.
For Respondent/State	: Mr. Alok Nigam, G.A.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

04.11.2020

1. The matter is heard through Video Conferencing.
2. The applicant has filed this First Bail Application for grant of anticipatory bail under Section 438 of the Cr.P.C. as he is apprehending his arrest in connection with Crime No.19/2020, registered at Police Station: Economic Offence Wing, Raipur, District: Raipur (C.G.) for the offence punishable under Section 120-B, 420, 467, 468, 471 of IPC and 7 (c), 13 (2) of Prevention of Corruption Act, 1988 as amended in 2018.
3. In this case there are total 05 accused persons. According to the case of prosecution, co-accused Ashok Chaturvedi, who is the General Manager of Text Book Corporation, Raipur (C.G.), was authorized for allotment of tender for the year 2017. Tenders were invited for the work

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of green board/retro reflective sign board and other material. Ashok Chaturvedi was the Chairman of the tender/purchase committee. The other accused persons namely J. Shankar, Sachchidanand Shastri and Sanjay Pillay, were the members of said tender/purchase committee. Last date for submission of tenders was 24.11.2017. On 25.11.2017, tenders were opened by the said tender/purchase committee. 4 firms, namely (i) M/s Hope Enterprises, Raipur which is owned by the present Applicant, (ii) M/s New Creative Fiber Glass, Raipur, (iii) M/S Mini Cignages, Raipur and (iv) M/S S.R. Enterprises, Raipur submitted tenders. The tender/purchase committee did not found the tender of M/S S.R. Enterprises, Raipur fit for acceptance and the technical tenders of rest 3 firms were approved by the said tender/purchase committee. Thereafter, financial tenders were opened and finally tender of M/s Hope Enterprises Raipur was approved for allotment of work. In the years 2017-18 and 2018-19, M/s Hope Enterprises made payment of total Rs.6,55,48,598/-. It is alleged that tenders of the rest three firms were submitted by the proprietor of M/s Hope Enterprises i.e. the present Applicant, by conspiring with the other co-accused persons. It is further alleged that no representatives of the said 3 firms in question were present at the time of opening of the tenders, therefore, re-tendering was to be done, but doing conspiracy with the proprietor of M/s Hope Enterprises i.e. present Applicant, on basis of said 3 forged tenders, tender of M/S Hope Enterprises was approved for allotment of work. It is further alleged that security deposit of the rate contract have been paid through demand draft prepared through bank account of the relative of the present Applicant. On the basis of such allegations, the Anti Corruption Bureau/Economic Offences Wing, Raipur registered the offence in question against the present Applicant and other co-accused persons.

4. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and falsely implicated in the present case. He submits that there is no any direct evidence available against the present Applicant. The Applicant is a contractor and is engaged in working under various Government Departments. After grant of rate

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contract in the years 2017-18, the Applicant has been granted various work orders and executed the same to the satisfaction of the concerned head of the department. He also submits that the Applicant has been falsely implicated in order to implicate the then General Manager of the Text Book Corporation out of political vendetta. It is further submitted by the counsel that there is no irregularity in grant of rate contract to the Applicant and the same has been granted after following the due process and subjective satisfaction of the authorities in presence of all the participants/representatives of the participants. The other participants are in the same business and it had been a common practice in the past as also after the rate of contract in question to get the co-operation from the competitors in the matter of the submission of the rate contracts and the same does not fall into the purview of criminal offence. It is lastly submitted by counsel for the Applicant that other co-accused persons namely J. Shankar, Sachchidanand Shastri, Sanjay Pillay have been granted benefit of anticipatory bail by this Court vide common order dated 28.08.2020 passed in MCRCA No.1061/2020, MCRCA No.1063/2020 & MCRCA No.1131/2020 respectively. One other co-accused person namely Ashok Chaturvedi moved a petition WPCR No.274/2020 before the co-ordinate bench in which vide order dated 30.06.2020 the co-accused has been granted interim protection till the next date of hearing, therefore, he prays for grant of anticipatory bail to the Applicant.

5. Per contra, learned counsel appearing on behalf of State opposes the bail application.
6. I have heard learned Counsel for the parties.
7. Considering the facts and circumstances of the case, arguments advanced by the counsel for the parties and material available on record and also considering this fact that three out of four co-accused persons namely J. Shankar, Sachchidanand Shastri & Sanjay Pillay has been already granted benefit of anticipatory bail by this Court and in the petition preferred by another co-accused person namely Ashok Chaturvedi, in his petition, learned co-ordinate bench has granted

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interim protection, without further commenting on other merits of the case, in my considered opinion, it is a fit case for grant anticipatory bail to the applicant.

8. Accordingly, the anticipatory bail application is allowed.

9. It is directed that in the event of arrest, the applicant shall be released on bail on 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 him and he shall abide by all the following terms and conditions:-

- I. That the accused/applicant shall made himself available for interrogation before the concerned Investigating Officer as and when required;
- II. The accused/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. The accused/applicant shall not act, in any manner which will be prejudicial to fair and expeditious trial; and
- IV. The applicant shall appear before the Trial Court on each and every date given to her by the said Court till disposal of the trial.

Sd/-

(Arvind Singh Chandel)
Judge