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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No.1829 of 2019**

K.K. Vashisht, son of Late Ramkalyan Vashisht, aged about 71 years,
resident of House No.322, Saddani Chowk, Budhapara, Raipur

---- Applicant**versus**

State of Chhattisgarh through the Anti Corruption Bureau, Raipur

---- Respondent**M.Cr.C.(A) No.2053 of 2019**

Ashok Kumar Gajbhiye, aged about 65 years, son of Late M.D. Gajbhiye,
resident of Near Kamla Higher Secondary School, Banda, Balaghat,
District Balaghat, M.P.

---- Applicant**versus**

State of Chhattisgarh through the Economic Offences Wing (E.O.W.) and
Anti-Corruption Bureau (A.C.B.), Raipur, Chhattisgarh

---- Respondent**M.Cr.C.(A) No.2056 of 2019**

Natwar Lal Agrawal, aged about 60 years, son of Shri Banwari Agrawal,
resident of House No.21-22, Archipuram-2, Seoni, District Seoni, M.P.

---- Applicant**versus**

State of Chhattisgarh through the Economic Offences Wing (E.O.W.) and
Anti-Corruption Bureau (A.C.B.), Raipur, C.G.

---- Respondent**M.Cr.C.(A) No.2085 of 2019**

Rajendra Kumar Jain, aged about 63 years, son of Late Puranchand Jain,
resident of Village Boriya, Tahsil Tedukheda, Post Sarra, Damoh, District
Damoh, M.P.

---- Applicant**versus**

State of Chhattisgarh through the Economic Offences Wing (E.O.W.) and
Anti-Corruption Bureau (A.C.B.), Raipur, Chhattisgarh

---- Respondent

M.Cr.C.(A) No.2086 of 2019

Ashok Kumar Verma, aged about 60 years, son of Late Bisahu Ram Verma, resident of Village Irra, Post Karra, Dhamtari, Current Address House No.C-15, Gokulpur Dhamtari, District Dhamtari, Chhattisgarh

---- Applicant

versus

State of Chhattisgarh through the Economic Offences Wing (E.O.W.) and Anti-Corruption Bureau (A.C.B.), Raipur, Chhattisgarh

---- Respondent

M.Cr.C.(A) No.2087 of 2019

C.R. Sahu, aged about 59 years, son of Parasnath Sahu, resident of H. No.307, Ward No.7, Behind Mahavir Nagar, Bemetara, Tahsil and District Bemetara, Chhattisgarh

---- Applicant

versus

State of Chhattisgarh through the Economic Offences Wing (E.O.W.) and Anti-Corruption Bureau (A.C.B.), Raipur, Chhattisgarh

---- Respondent

M.Cr.C.(A) No.2089 of 2019

Deepak Kumar Pathak, aged about 52 years, son of Late Upendra Nath Pathak, resident of Near Govt. Boys Higher Secondary School, Vidhyawasni Ward, Dhamtari, District Dhamtari, Chhattisgarh

---- Applicant

versus

State of Chhattisgarh through the Economic Offences Wing (E.O.W.) and Anti-Corruption Bureau (A.C.B.), Raipur, Chhattisgarh

---- Respondent

M.Cr.C.(A) No.2090 of 2019

Baldau Ram Chandrakar, aged about 63 years, son of Late G.R. Chandrakar, resident of House No.A-10, Panchwati Colony, Ratnabandha, Dhamtari, District Dhamtari, Chhattisgarh

---- Applicant

versus

State of Chhattisgarh through the Economic Offences Wing (E.O.W.) and Anti-Corruption Bureau (A.C.B.), Raipur, Chhattisgarh

---- Respondent

M.Cr.C.(A) No.2097 of 2019

Ramsharan Shrivastava, aged about 76 years, son of Late Shyam Sunder Shrivastava, resident of C/o Shri Shiv Kumar Shrivastava, Near Abhudaya School, Neha Nagar, Sagar, District Sagar, M.P.

---- Applicant

versus

State of Chhattisgarh through the Economic Offences Wing (E.O.W.) and Anti-Corruption Bureau (A.C.B.), Raipur, Chhattisgarh

---- Respondent

For Applicants	:	Shri B.P. Sharma, Shri M.L. Sakat, Advocates
For State/Respondent	:	Shri Alok Nigam, Government Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

27.2.2020

1. All the anticipatory bail applications relate to a same crime number, therefore, they are decided together.
2. The anticipatory bail applications have been preferred by the Applicants apprehending their arrest in connection with Crime No.42 of 1996 registered at Police Station Economic Offences Wing/Anti-Corruption Bureau, Raipur for offences punishable under Sections 120B, 420 of the Indian Penal Code and Sections 13(1)(b) and 13(2) of the Prevention of Corruption Act.
3. According to the prosecution, the alleged incident occurred between 1.4.1994 and July, 1996. On 15.10.1996, Complainant S.R. Agrawal, the then Executive Engineer, Irrigation Department, Kanker made a written complaint. At that time, Applicant K.K. Vashisht was posted there as Executive Engineer. In the year 1995-96 and 1996-97, administrative approvals of Rs.145.905 Lakhs were obtained for total 18 projects. It was found that the

then Executive Engineer M.C. Wahi (now dead) had sent a relevant estimate exaggerating the amount by 3-4 times higher. Allegedly Applicant K.K. Vashisht without doing any inspection had given his technical sanction on those estimates. At that time all other Applicants were also posted at various places and allegedly they executed the work. It has been alleged that the work was not done in accordance with the sanctioned estimates and the work was found to be of sub-standard and inferior. Thereby all the Applicants embezzled huge government amount. On the basis of said complaint, the offence in question has been registered.

4. Learned Counsel appearing for the Applicants submit that the Applicants have been falsely implicated in this case. Alleged incident took place in the year 1994-1996, i.e., 25-26 years before. Applicant K.K. Vashisht had given only technical sanction. Neither he had prepared the estimates nor had he given sanction thereon. All other Applicants executed the work on the directions of their superior officers. FIR was lodged only against deceased M.C. Wahi. It is further submitted that departmental inquiry has been done in which charges have not been proved. On the basis of this, the department vide order dated 16.5.2019 had not consented for sanction of prosecution against the Applicants. Surprisingly, the prosecution obtained a sanction from Department of Law and Legislative Affairs vide order dated 15.5.2019. since the Irrigation Department was not ready to give sanction, therefore, the sanction was required to be obtained through coordination. Thus, the sanction obtained from the Law Department is not in accordance with law which has already been challenged by the Applicants. Charge-sheet has already been

prepared and investigation has also completed. No custodial interrogation is required. Applicant K.K. Vashisht is already retired and other Applicants are working in the relevant government departments. Therefore, there is no possibility of their absconding. Looking to these facts and circumstances, it is prayed that all the Applicants may be granted benefit of anticipatory bail.

5. Learned Counsel appearing for the State/Respondent opposes the arguments advanced on behalf of the Applicants. However, it is fairly admitted by the State Counsel that charge-sheet has been prepared and custodial interrogation of the Applicants is not required.
6. I have heard Learned Counsel appearing for the parties and perused the entire case diary minutely.
7. Considering the facts and circumstances of the case and the arguments advanced on behalf of the parties, further considering the fact that the incident was of the year 1994-96 and investigation has been completed, custodial interrogation of the Applicants is not required, all the Applicants are government servants, there is no possibility of their absconding, therefore, present are fit cases for grant of anticipatory bail.
8. Accordingly, the anticipatory bail applications are allowed.
9. It is directed that in the event of arrest of the Applicants in connection with the aforesaid crime, they shall be released on anticipatory bail on each of them furnishing a personal bond in the

sum of Rupees Fifty Thousand with one solvent surety for the like sum to the satisfaction of the Arresting Officer/Presiding Officer of the concerned Trial Court. The Applicants shall also abide by all the following terms and conditions:

- (i) 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 fact to the Court,
- (ii) They shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) They 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