

NAFRHIGH COURT OF CHHATTISGARH, BILASPURReserved on 28.06.2021Pronounced on 09.07.2021MCRCA No. 141 of 2021

1. Jawahar Lal Dariyo S/o Shri Brijlal Dariyo Aged About 56 Years R/o D-5, Palash Vihar, New Purena, Mahavir Nagar, Raipur, Police Station Rajendra Nagar, District Raipur Chhattisgarh.
2. D.S. Kushram S/o Late Shri Chamrasingh Kushram, Aged About 52 Years R/o A 169 Sector 6, Kamal Vihar Raipur, Police Station Mujgahan, District Raipur Chhattisgarh.

---- Applicants**Versus**

- State Of Chhattisgarh Through The Superintendent Of Police Economic Officers Wing, Gaurav Path, Opposite Jai Jawan Petrol Pump, Telibandha, Raipur, District Raipur Chhattisgarh.

---- Non-applicant

For Applicants	: Shri T.K. Jha, Advocate
For State	: Shri Devendra Pratap Singh, Deputy Advocate General

Hon'ble Shri Justice Narendra Kumar Vyas**C.A.V. ORDER**

1. Apprehending their arrest the applicants have moved this application for grant of privilege of anticipatory bail in connection with Crime No. 9/2019 registered at Economic Officers Wing, Raipur District – Raipur instituted under Sections 7C, 13(1)(A) of the Prevention of Corruption Act and Section 120(B) of the Indian Penal Code.
2. Case of the prosecution, in brief, is that applicant No.1 is the Additional Director and applicant No.2 is the Joint Director in the Public Relation Department, Government of Chhattisgarh, total loss of Rs. 60,50,100/- has been caused to the Government of Chhattisgarh due to them as per the records available in case diary. Thus, they have committed offence under Sections 7(C), 13(1)(A) of

the Prevention of Corruption Act and Section 120-B of the IPC

3. Counsel for the applicants would submit that there is no such material on record which shows that in the process, applicants have gained some monetary benefits out of their act, therefore, they have not committed any offence under Sections 7(C), 13(1)(A) of the Prevention of Corruption Act and Section 120 B of the IPC. He would further submit that applicant No.2 is suffering from cancer and documents relating to his treatment is annexed and prayed that they be granted privilege of anticipatory bail.
4. On the other hand, learned State counsel would submit that there is sufficient material in the diary. The facts which are reflected from the diary are that a tender was floated on 16.06.2016 on the object of advertising social welfare scheme of State Government through social media in which M/s Creyance Advertising was found to be L-1 which had quoted rate Rs. 3,29,993/- per month. The Chief Executive Officer approved the same on 15.07.2016. Thereafter, Dy. Director (Electronic Media) initiated note-sheet for engagement of Human Resources through U.N.D.P. Since, two agencies of same nature were working through previous accepted tender dated 16.06.2016, the proposal for cancellation was submitted which was approved on 22.08.2016 by the Chief Executive Officer and the tender was cancelled. Thereafter, fresh tender was issued on 16.01.2017. In this tender, M/s Cubes Media and Branding Private Limited quoted Rs. 4,94,500/- per month and was found L-1. The tender was accepted by the department. M/s Cubes Media And Branding Pvt. Ltd raised bill of Rs. 60,50,100/- for the period April, 2017 to March, 2018 out of which 35,13,100/- has been paid. Remaining amount Rs. 25,37,000

is payable by the C.G. Samvad since it has not received the amount from State Government, the remaining amount of Rs. 25,37,000 is unpaid. The rate which has been accepted by the applicants is on higher side to the tune of Rs. 20,12,712/- from the rates of previous tender. Thus, they have caused monetary loss to the tune of Rs. 60,50,100/- to the State Government. As such, loss to the State Government is prima facie established. The applicants have acted in violation of the purchase policy of the State Government, thus, they have committed offence. He would submit that there is sufficient material to show the applicants' involvement in the offence in question and would further submit that investigation is at initial stage, therefore, custodial interrogation may be required during the investigation to find out specific details of the case and also relevant evidence, hence, they do not deserve to be given benefit of Section 438 of Cr.P.C.

5. I have heard learned counsel for the applicants, respondent-State and also perused the diary.
6. Considering the serious allegation against the applicants of defrauding huge amount to the State Government and requirement of their custodial interrogation during the investigation of the case, this Court is of the considered view that it is not a fit case where the applicants be given privilege of anticipatory bail.
7. Accordingly, the prayer for anticipatory bail of the above named applicants is rejected.
8. It is made clear that the observations made by this Court are only for the consideration of the anticipatory bail application. Trial Court shall decide the trial as well as regular bail application, if filed, without

being influenced by any of the observations made by this Court while deciding the present application for Anticipatory Bail of the applicants.

**Sd/-
(Narendra Kumar Vyas)
Judge**

kishore