

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC (A) No. 172 of 2021

Amit Kumar Jaiswal S/o Shri Shivnandan Lal Jaiswal, Aged About 44 Years, R/o -Purani Basti Katghora, Police Station and Tahsil- Katghora, Civil and Revenue District – Korba, (Chhattisgarh).

---- Applicant

Versus

State of Chhattisgarh Acting Through Officer-In-Charge, Police Station-Bodhghat, District -Bastar. (Chhattisgarh).

--- Respondents

For Applicant	: Mr. Devesh G Kela, Advocate.
For Respondent-State	: Mr. Vimlesh Bajpari, GA.

(Proceedings through video conferencing)
Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

28/07/2021

Heard.

1. Applicant has filed this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.360/2014 registered at Police Station -Bodhghat, District -Bastar, (CG), for the offence punishable under Sections 467, 468, 471, 477, 420, 409, 119, 182, 211, 120(B), 34 of Indian Penal Code and Section 66 (B) (C) (D) of IT Act.
2. Case of the prosecution, in brief, is that applicant herein inconnivance with other co-accused persons has stolen Id password of Chhattisgarh State Power Distribution Company Limited (CSPDCL), generated forged work order, submitted forged bills before the Regional Accounts Officer, Jagdalpur and withdrew Rs.1,38,86,538/-. When the alleged forgery was detected by the Electricity Department, the Department has taken action and lodged report to the concerned police station. During the course of investigation, as many as 09 persons have been arrayed as accused in instant crime, out of which, 3 are officers of the Electricity Department and 6 are Contractors in whose name the contract agreement has been shown and amount has been deposited in their bank accounts.

3. Learned counsel for the applicant submits that applicant is not involved in any manner in the instant crime. Applicant is a contractor and has worked with Chhattisgarh State Power Distribution Company Limited (CSPDCL). As per letter dated 18.02.2021 (Annexure A-4), 5 contracts were issued in favour of the present applicant, which was running successfully. He further submits that as the applicant is having the license his nephew Pankaj Kumar Khela has taken the contract in his name with understanding that he will complete all the work and the amount which has been deposited in the account of applicant has been given to Pankaj Kumar Khela. Applicant has not used single penny of the amount deposited in his account from Electricity Department. It is also pointed out that the SAAP software system which is being used by the Electricity Department for issuing online tenders is a well protected software and no one can hack it. In support of his contentions, he read over the contents of final report submitted by the Investigating Agency. The allegations levelled against the present applicant and co-accused cannot be proved. He referred to the judgment passed by the JMFC, Korba on 08.08.2019 and submits that on similar allegation levelled by the Office of District Korba, the accused persons therein have been acquitted. Hence, this applicant may also be extended benefit under Section 438 of Cr.P.C.
4. On the other hand, learned State Counsel opposes the submissions made by learned counsel for applicant and submits that case of the present applicant stands in a different footing. In this case, applicant himself is a registered contractor with Electricity Department. On the basis of forged work order and forged bills, the amount has been deposited in his account. The huge amount of Rs.29,77,879.50 paise has

been paid to the applicant but he has not returned single penny to show his bona fide. Applicant is absconding since the year 2015, hence, he is not entitled for grant of anticipatory bail.

5. Heard learned counsel for the parties.
6. Considering the entire facts and circumstances of the case, nature of allegation levelled against present applicant that applicant alongwith other co-accused persons including the higher officials of Electricity Department after stealing Id Password of SAAP software, forged work order and forged bills was prepared and Rs.1,38,86,538/- has been withdrawn from Electricity Department, Rs.29,77,879.50 was deposited in account of applicant, the fact that applicant has not return any amount which has been deposited in his account, I do not find it to be a fit case to enlarge the applicant on bail.
7. Accordingly, bail application is rejected.

Sd/-
(Parth Prateem Sahu)
Judge

Jamal/-