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HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC (A) No. 168 of 2021

Raghvendra Jaiswal S/o Late Shri Gajanand Jaiswal, Aged About 35 Years, R/o -New Bus Stand Pali, Police Station and Tahsil -Pali, 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 Information Technology Act, 2000.
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 and theft 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 instant crime. He submits that availing finance from Cholamandalam, applicant has purchased one Bolero Jeep for running it as taxi and earning his livelihood. But on account of continuous loss in the business of taxi, applicant was not in a position to pay installment of loan amount. Applicant's cousin brother by name Pankaj Kumar Kela met him and upon discussion, he stated that if he permits he will engage his vehicle with Electricity Department and will pay Rs.20,000/- per month apart from maintaining the vehicle. Looking to the attractive proposal, applicant agreed for the same and handed over his vehicle to him. He also submits that co-accused Pankaj Kumar informed him that amount, which has been deposited in the account of applicant, is towards rental charges of vehicle. Pankaj Kumar deposited other amounts also in his bank account and said additional amounts were withdrawn and deposited in the account of other persons as per his instruction. Applicant is not aware about any fraud or commission of crime by co-accused Pankaj Kumar. It is further pointed out that as soon as applicant got knowledge about commission of crime of stealing Password generating forged work order and placing forged bills and withdrawing the amount, the amount, which has been withdrawn from the Electricity Department and deposited in applicant's account, ie Rs.8,90,217/-, the applicant has deposited the entire amount of Rs.8,90,217/- in January 2015 itself. Looking to the aforementioned facts, particularly the fact that applicant has deposited the entire amount, which has been deposited in his account by others, he may 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 applicants and submits that by forging the documents and also committing the offence under Section 66 of the IT Act, applicant alongwth other co-accused persons have caused loss of Rs.1,38,86,538/- to the Electricity Department. As per the document placed on record by the applicant himself as (Annexure A-2), statement of bank account of applicant, would show that amount has been deposited in his account, hence, he is not entitled for benefit under Section 438 of Cr.P.C. However, he does not dispute that as soon as amount was deposited in the account of applicant, the same has been further transferred to some other persons account and the fact that as per Annexure A-3, which is the letter sent by Regional Account Officer of the Electricity Department, Jagdalpur to Station House Officer, Bodhghat showing that applicant has deposited the entire amount paid in his account.

5. On putting a question to the learned State Counsel whether there is any material against applicant of entering into contract or any document under his signature of executing any agreement, he replied that documents relating to the contract are available on record but said documents are under the signature of one Sanjay Naidu. There is no document showing signature of present applicant.

6. Heard learned counsel for the parties.

7. Considering the entire facts and circumstances of the case, nature of allegation levelled against present applicant, the fact that the Police have not seized any document showing execution of the contract/agreement under the signature of present applicant, as per the submission made by learned counsel for the applicant that amount of Rs.8,90,217/- deposited in bank account of applicant has already been refunded as appearing from letter written by the Regional Account Officer dated 14.01.2021, without commenting anything on merits of the case, I am inclined to grant anticipatory bail to the applicant.

8. Accordingly, anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the crime in question, he shall be released on bail by the officer arresting him on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Arresting Officer. The applicant shall also abide by the following conditions :

(i) that applicant shall make himself available for interrogation before the investigating officer as and when required;

(ii) that 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) that applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

(iv) that applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-

(Parth Prateem Sahu)
Judge

Jamal/-