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**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRCA No. 189 of 2021**

Abhimanyu Sahu S/o Heeradhar Sahu, Aged About 30 Years R/o Near Mahalaxmi, Ward No. 8, Nawapara, Mahasamund, Post - Mahasamund, Police Station - Kotwali, Mahasamund, Tahsil And District - Mahasamund Chhattisgarh.

**---- Applicant****Versus**

State of Chhattisgarh Through - Station House Officer, Police Station - Devbhog, District - Gariyaband Chhattisgarh.

**---- Non-applicant****MCRCA No. 302 of 2021**

Jageshwar Sinha S/o Shri Lalit Ram Sinha Aged About 30 Years R/o Village Chaildongri, Tahsil Mainpur, Police Station Devbhog, District Gariyaband Chhattisgarh.

**---- Applicant****Versus**

State of Chhattisgarh Through Station House Officer (S.H.O.), Police Station Devbhog, District Gariyaband Chhattisgarh.

**---- Non-applicant**

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**MCRCA No.189 of 2021**

For Applicant : Shri Jitendra Nath Nande, Advocate.  
For State/Non-applicant : Shri B.P. Banjare, Dy. Govt. Advocate.

**MCRCA No.302 of 2021**

For Applicant : Shri Awadh Tripathi and Shri Devershi Thakur, Advocate.  
For State/Non-applicant : Shri B.P. Banjare, Dy. Govt. Advocate.

**(Proceedings through video conferencing)**  
**Hon'ble Shri Parth Prateem Sahu, Judge**

**Order on Board****13.07.2021**

1. Since both the anticipatory bail applications arise out of the same crime number i.e. Crime No.12 of 2021, they are being disposed of by this common order.
2. The applicants have preferred these first bail application under Section

438 of the Cr.P.C. for grant of anticipatory bail, as they are apprehending their arrest in connection with Crime No.12 of 2021 registered at Police Station Devbhog, District Gariyaband, Chhattisgarh, for commission of offence punishable under Sections 420, 409, 34 of the Indian Penal Code and Section 138(1)(c) of the Electricity Act.

3. Case of the prosecution is that, Assistant Engineer (Sub Division) Gariyaband, Chhattisgarh State Power Distribution Company Limited, Mainpur lodged a written complaint before Station House Officer, Police Station Devbhog, District Gariyaband mentioning therein that on an inspection done on 05.01.2021, it revealed that in M/s. Tanmay Fuel, village Chhaildongari using electricity through illegal electric line and electricity meter connection. The petrol pump is owned by Jageshwar Sinha. During the course of inspection, statement of Abhimanyu Sahu (Contractor) and Jageshwar Sinha (Owner of petrol pump) were recorded. Based on the statement recorded and spot inspection, Assistant Engineer found that electricity connection was provided by the then junior Engineer Shri Anil Kumar Namdeo, posted at Distribution Center, Amlipadar by laying electricity line installing transformer and electricity meter. The owner of petrol pump has not deposited the estimated amount for extending electricity line and installation of transformer and in connivance with Anil Kumar Namdeo, they have taken illegal connection. Contractor Abhimanyu Sahu had also done illegal work only on the basis of oral instruction of junior Engineer Anil Kumar Namdeo without any order for contract of the work of installation of transformer and extending electricity line. On the basis of written complaint, First Information Report was registered on 15.01.2021 against

the present applicants and junior engineer Anil Kumar Namdeo.

4. Shri Jitendra Nath Nande, learned counsel for the applicant Abhimanyu Sahu/contractor in MCRCA No.189 of 2021 would submit that applicant Abhimanyu Sahu is working with the electricity Department and he has to work under the direction and supervision of officials of the Distribution Company. He further submits that applicant/contractor under the oral direction of the junior Engineer has laid down the electricity line, installed transformer and electricity meter within the premises of petrol pump owned by Jageshwar Sinha. All the articles i.e. cable, transformer and electric meter is provided by the Department itself and he has worked under the direction of authority of Distribution Company, hence, no offence is committed by the applicant/contractor and he may be enlarged on anticipatory bail.
5. Shri Awadh Tripathi and Shri Devershi Thakur, learned counsels for the applicant Jageshwar Sinha in MCRCA No.302 of 2021 would submit that applicant has forwarded an application for electricity connection. After submission of application for connection, junior Engineer/co-accused has asked for money to be deposited for providing connection, to which, applicant Jageshwar Sinha has paid in installment and thereby, a total sum of Rs.1,45,000/- has been paid to junior Engineer. He further submits that said amount has been paid by the applicant (Owner of the petrol pump) for the purpose of providing electricity connection, installation of transformer and meter. It is contended that the electricity connection was provided only after making payments and the electricity is being used through the meter installed by co-accused Junior Engineer of Department, hence, applicant (Owner of the petrol pump) has not

committed any offence and he may be enlarged on anticipatory bail.

6. On the other hand, Shri B.P. Banjare, Deputy Government Advocate for the State opposes the submission made by learned counsel for the applicants and submits that applicants in connivance with junior Engineer Anil Kumar Namdeo had caused heavy loss to Distribution Company amounting to Rs.4,36,475/- as per estimate, hence, they are not entitled for grant of anticipatory bail
7. I have heard learned counsel for the parties and perused the case diary.
8. In the case diary, statement of Nogendra Kumar Soni and Nilesh Kumar Sahu who are lineman working with the Distribution Company are available. Nogendra Kumar Soni in his statement had stated that on 25.07.2020, Owner of the petrol pump paid Rs.50,000/- to Anil Kumar Namdeo. On 07.09.2020, further Rs.50,000/- to Anil Kumar Namdeo and 14.10.2020 he has further deposited Rs.45,000/- through his account. The amount deposited in his account was withdrawn and paid to Anil Kumar Namdeo (junior Engineer). When Girish Chandra, supervisor of Contractor Abhimanyu Sahu approached him asking to show the place of work for installation of pole on the ground that he has been sent by Contractor and junior Engineer, he gave phone call to co-accused junior Engineer, who stated that Girish Chandra has been sent by him and he should show the location/place where the electricity pole is to be installed. In the statement of Nilesh Kumar Sahu, similar fact has been mentioned that on the instruction of junior Engineer, he has shown the place of work to supervisor Girish Chandra along with Nogendra Kumar Soni. Further, Assistant Engineer has supplied information to Station

House Officer, Police Station Devbhog on 25.01.2021 mentioning that junior Engineer joined the place on posting on 21.10.2019 and Owner of the petrol pump has forwarded an application for electricity connection to junior Engineer, but due to some defect in the application, Executive Engineer has returned back the application to junior Engineer. No demand order has been issued and no work order has been issued.

9. Considering the nature of allegations, material available in the case diary, that Owner of petrol pump has submitted an application for connection of electricity for his petrol pump, statement of lineman that Owner of the petrol pump paid money to junior Engineer, supervisor of Contractor worked under the instruction and direction of junior Engineer, I am of the view that present are the fit cases where applicants, namely, Abhimanyu Sahu and Jageshwar Sinha should be enlarged on anticipatory bail.
10. Accordingly, bail applications (MCRCA Nos.189 of 2021 and 302 of 2021) are allowed and it is directed that in the event of arrest of the applicants, namely Abhimanyu Sahu and Jageshwar Sinha, in connection with the crime in question, they shall be released on anticipatory bail by the officer arresting them on their furnishing a personal bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with one surety in the like sum to the satisfaction of the Arresting Officer. The applicants shall also abide by the following conditions :
  - (i) that the applicants shall make themselves available for interrogation before the Investigating Officer as and when required;
  - (ii) that the applicants 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 their from disclosing such facts to the Court or to any police officer;

- (iii) that the applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-

**(Parth Prateem Sahu)**  
**Judge**