

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8194 of 2020

Narayan Singh Bisht S/o B. S. Bisht Aged About 61 Years, Executive Engineer
In C. S. P. D. C. L. Sukma Division Jagdalpur Post Sukma District Sukma
Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through The Police Station Bodhghat, District Bastar
Chhattisgarh

---- Respondent

For Applicant	:	Shri Pravin Kumar Tulsyan, Advocate
For State	:	Ms. Sunita Jain, Govt. Advocate

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

24/05/2021

Heard.

1. The applicant is arrested in connection with Crime No.360/2014 registered in Police Station -Bodhghat, District- Bastar (CG) for alleged commission of offence under Sections 409, 119, 182, 211, 467, 468, 471, 472, 419, 420, 120-B/34 IPC.
2. Case of the prosecution, in brief, is that the present applicant who was working as Executive Engineer in Chhattisgarh State Power Distribution Company Limited (CSPDCL) in Sukma, Division Jagdalpur as also other Executive Engineers of Kondagaon and Bijapur districts, acting in conspiracy and connivance with the officers and employees of the concerned department and the Contractors, got forged and fake bills prepared and huge amount of Rs.1,49,79,513/- was withdrawn.
3. Learned counsel for applicant would argue that the as far as present

applicant is concerned, he was the one who lodged FIR in the police station revealing the entire scam where-under, according to him, the Contractor hacked the ID password and used the same for preparing fake bills which were presented for payment with fake signature of Assistant Engineers and present applicant- Narayan Singh Bisht, the Executive Engineer of Jagdalpur and likewise in many other cases.

4. Learned counsel for the applicant submits that in the entire investigation which has been carried out against him and in the charge sheet filed, there is no specific material to indicate how he was involved in the conspiracy and there is allegation made by the applicant himself in the FIR that his ID password was hacked. He further submits that the allegation against him are more in the nature of not disclosing the fraud at the earliest opportunity rather than involved along with the Contractors. He further submits that one of the main officer Ashok Kumar Swarnkar has been granted anticipatory bail in MCRCA No.647 of 2020 vide order dated 25.9.2020 and three contractors namely Pankaj Kumar Kela, Sunit Kasde and Pintu @ Pretam Thakur have already been granted regular bail on the ground of long pre-trial detention. Learned counsel for the applicant submits that the applicant is a Government servant and is not likely to abscond nor in a position to tamper with the prosecution witnesses. He is in jail since 14.10.2020 and the amount which is said to have withdrawn under fake bills using ID password of the present applicant is only Rs.11,10,229/- and not the entire amount as alleged in the charge sheet and the applicant cannot be held responsible for the withdrawal made in other transactions involving ID password of other officers.
5. On the other hand, learned counsel for the State opposed the bail application by submitting that in the present case when investigation was carried out, it was revealed that in Jagdalpur, Kondagaon and Bijapur, the co-accused Contractor in connivance and conspiracy with Executive Engineers, Assistant Engineers and Accounts Officers, were submitting fake bills and collecting huge public funds without there being any work done as shown in the fake bills. In this manner, there is criminal misappropriation of public funds of approximately Rs.1.5 crores.
6. Taking into consideration the submissions made by learned counsel for the

respective parties, particularly taking into consideration the submission that the FIR was lodged by the present applicant Narayan Singh Bisht and further taking into consideration that he has come out with the allegation that his ID password was hacked by some of the Contractor in connivance with the Accounts Officer and that his fake signatures were made on fake bills which get fund released and further taking into consideration that the investigation is complete, charge sheet has been filed and that the applicant is in jail since 14.10.2020, he is aged 62 years and not likely to abscond or tamper with prosecution witnesses, I am inclined to grant bail to the applicant.

7. The application is accordingly allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.50,000/- along with two local sureties for the like amount to the satisfaction of the concerned trial Court, with following further conditions that:-

- (i) the applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
- (ii) the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.
- (iii) the applicant shall not leave the State of Chhattisgarh without the permission of the trial Court.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Vacation Judge