

(2012) 01 JH CK 0062
In the Jharkhand High Court
Case No : A.B.A. No. 293 of 2012

Ratneshwar Rai (Ex-Executive Engineer, R.W.D., Chatra)	APPELLANT
Vs	
Union of India	RESPONDENT

Date of Decision : 27-01-2012

Acts Referred:

Penal Code, 1860 (IPC) — Section 120, 420, 468, 471
Prevention of Corruption Act, 1988 — Section 13(1), 13(2)

Citation : (2012) 01 JH CK 0062

Hon'ble Judges : Rakesh Ranjan Prasad, J

Bench : Single Bench

Judgement

R.R. Prasad

1. Heard learned counsel appearing for the petitioners and learned counsel appearing for the C.B.I.
2. The petitioner who is an accused for offence under Sections 120B r/w 420, 468, 471 of the Indian Penal Code and Sections 13(2) r/w section 13(1)(d) of the Prevention of Corruption Act, 1988, prays for anticipatory bail expressing apprehension of his arrest in connection with R.C. No. 5 A of 2010(R).
3. Learned counsel appearing for the petitioners submits that the petitioner who at the relevant point of time was posted as Executive Engineer had been made accused for the reasons that the petitioner passed the bills on the basis of entries made in the Measurement Book and thereby the petitioner by passing bills drawn on the basis of 5 fake invoice for payment without certification of Junior Engineer and the Assistant Engineer misappropriated the amount alongwith others relating to the 5 invoices to the extent of Rs. 16,83,9412/-. But the petitioner passed the bills which had been raised on the basis of Measurement book and also upon the invoices as the petitioner was never knowing that the said invoices were fake. However, the petitioner would be ready to deposit the amount, but not the entire amount, rather 1/5th of the aforesaid amount.

4. As against this, learned counsel for the C.B.I. submits that it is not a fit case for anticipatory bail as petitioner being Executive Engineer passed the bills of the contractors without their being any certification by the Junior Engineer or the Assistant Engineer.

5. Regard being had to the allegations as indicated above, I do not find it a fit case for anticipatory bail, and therefore, the prayer for anticipatory bail is rejected. However, if the petitioner surrenders within ten days and prays for regular bail, the same shall be considered in the light of the submission that petitioner had passed the bills on the basis of the entries made in the Measurement book and the invoices produced, but the petitioner was not knowing that the invoice produced were the fake; and that he is ready to deposit the amount not in entirety but to the extent which would be reasonable taking into account that the 5 accused persons have been alleged to have misappropriated the amount on the basis of the fake invoices.