

Arvind Prasad Vs. The State of Jharkhand Through Cbi

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Court : Jharkhand

Decided On : Aug-18-2015

Appellant : Arvind Prasad

Respondent : The State of Jharkhand Through Cbi

Judgement :

IN THE HIGH COURT OF JHARKHAND AT RANCHI A.B.A. No. 2674 of 2015 With A.B.A. No. 2685 of 2015 With A.B.A. No. 2698 of 2015 With A.B.A. No. 2720 of 2015 1. Arvind Prasad @ Arbind Prasad . Petitioner (in A.B.A. No. 2674 of 2015) 2. Karippayyil Rajsekharan . .Petitioner(in A.B.A. No. 2685 of 2015) 3. Om Prakash Gupta . .Petitioner(in A.B.A. No. 2698 of 2015) 4. Virendra Kumar Srivastava . .Petitioner(in A.B.A. No. 2720 of 2015) -V e r s u s- State of Jharkhand through C.B.I. Opposite Party (in all cases) CORAM: - HONBLE MR. JUSTICE RAVI NATH VERMA For the Petitioner(s): - M/s. A.K.Das, Mukesh Kumar Sinha & Shray Mishra, Advocates (In all cases) For the C.B.I. : - Mr. K.P.Deo, Advocate (In all cases) 04/18.08.2015 Apprehending their arrest, the four above named petitioners have moved this Court for grant of privileges of anticipatory bail in connection with C.B.I. Case No. RC01(A)/ 14(D), instituted under Sections 120-B, 420, 468 and 471 of the Indian Penal Code and also under Sections 13(2) read with Section 13(1) (d) of the Prevention of Corruption Act, 1988. Heard learned counsel appearing for the petitioners as well as learned A.P.P. for the State. The prosecution case relates to an advertisement published by Bokaro Steel Ltd. for the posts of E-1 and E-2 grades in daily newspaper Asian

Age (Mumbai Edition) dated 05.04.2008 stipulating therein that filled in application form/resume along with copies of all testimonials should reach post Box No. B-25 within 8 days by ordinary post only. There is allegation that the posts were not advertised properly in newspapers and accused persons by entering into a criminal conspiracy amongst themselves and with common intention invited applications and only five applications were reportedly received against the advertisement and after screening all five were called for interview and they were selected. After the illegal selection by abusing official position by the accused persons, the selected candidates have been paid huge salary of Rupees Fifty Lakh (approx.) since their joining in 2008 i.e. for almost six years causing loss to Bokaro Steel Ltd. No sufficient time was given to other candidates to apply for the post. The petitioners are officers of B.S.L. When the irregularity in the appointment transpired, the matter was enquired into and present case has been instituted. Learned counsel appearing for all the four petitioners submitted that appointment was made in accordance with the rule as provided in the recruitment policy, which has been enclosed as Annexure-8 with this petition and Rule 13.1 and 13.2 clearly stipulates that the selection can be made either after conducting (i) written test/job test/trade test or any combination thereof; and/or (ii) Group exercise/interview or both; and/or (iii) Any other test(s) as may be prescribed or as decided by the competent authority, and in terms of that, the advertisement was made and appointments have been done and there is no violation of any of the rules of the mode of selection. The above three petitioners were the members -2- of the Selection Committee and the fourth petitioner of A.B.A. No. 2720 of 2015 was the Managing Director of Bokaro Steel Plant, Bokaro and they have been falsely implicated in this case. It was also submitted that the allegations levelled in the charge sheet that (i) the petitioners prepared false mark sheet, (ii) one candidate was not interviewed and (iii) written test was not conducted, are all baseless and there was no violation of any recruitment rules. It was also submitted that the three members of the selection process were directed to conduct interview and accordingly candidates appeared before them and finally five candidates were selected in terms of letter dated 03.06.2008 issued by General Manager (Personnel). The appointment proposal was approved by the Chairman, Steel Authority of India Ltd. (SAIL) who was the competent authority and the petitioners

had no role and it is not that the entire process for recruitment was done without approval of the authority and after suppressing or violating any terms of the mode of selection. Learned counsel further submitted that as per recruitment policy, the selection was to be made on merit and suitability test and only with some ulterior motive and malafide intentions, the petitioners have been implicated in this case. No witness has come forward to say that there was extraneous consideration in appointment of the five candidates. Hence, the petitioners deserve the grant of privileges of anticipatory bail. It was also submitted that the candidates, who were selected by the Selection Committee, have already been granted anticipatory bail vide order dated 13th July, 2015 passed in A.B.A. No. 1454 of 2015, A.B.A. No. 1458 of 2015, A.B.A. No. 1482 of 2015 and A.B.A. No. 1551 of 2015. Learned counsel Mr. Deo, appearing for the C.B.I. though opposed the prayer but fairly submitted that some of the accused persons, who were selected by the said Selection Committee, have already been granted bail by another Bench of this Court and Rule 13.1 and 13.2 clearly stipulates that appointments can be made on the basis of interview only. Considering the submissions of the counsels, the allegation and the Rules as stated above and the fact that prima facie there appears to be no evidence to connect the petitioners with the alleged offence, I am inclined to grant the privileges of anticipatory bail to the petitioners. Accordingly, all the four petitioners namely Arvind Prasad @ Arbind Prasad, Karippayil Rajsekharan, Om Prakash Gupta and Virendra Kumar Srivastava are directed to surrender in the court below within two weeks from today and in the event of their arrest/surrender, the court below is directed to enlarge them on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned, 11th Additional Sessions Judge-cum-Special Judge, C.B.I. at Dhanbad, in connection with C.B.I. Case No. RC01(A)/ 14(D), subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure. (R. N. Verma, J.) Ritesh