

**IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR**

**BEFORE
HON'BLE SHRI JUSTICE ANAND PATHAK**

ON THE 9th OF JUNE, 2022

MISC. CRIMINAL CASE No. 26842 of 2022

**Between:-
SHOBIT TRIPATHI**

.....APPLICANT

**(BY SHRI MANISH DUTT SHARMA LEARNED SENIOR
COUNSEL WITH SHRI PRASHANT SHARMA-ADVOCATE)**

AND

**THE STATE OF MADHYA PRADESH
THROUGH POLICE STATION ECONOMIC
OFFENCE WING, DISTRICT BHOPAL
(MADHYA PRADESH)**

.....RESPONDENT

(BY SHRI NAVAL KISHORE GUPTA-PUBLIC PROSECUTOR)

**This application coming on for ADMISSION this day, the court
passed the following:**

ORDER

Heard.

Perused the case diary.

This is the first application under Section 439 of the Cr.P.C filed by the applicant, who has been arrested on 3/2/2022 by Police Station Economic Offence Wing, District Bhopal in connection with Crime No. 4/2022 registered for offence punishable under Sections 409, 420, 467, 468, 471, 201, 120-B of IPC and Sections 7,13(1) & 13(2) of Prevention of Corruption Act.

It is the submission of learned senior counsel for the applicant that he is suffering confinement since 3/2/2022 and charge-sheet has already been filed, therefore, chance of tampering with evidence / witness is remote. It is further submitted that applicant is facing false implication. As per the allegations, as Chief Executive Officer of Janpad Panchayat, Sironj, applicant misused his official position and embezzled an amount of **Rs. 30,68,37,000/- (Rs. Thirty Crores Sixty Eight Lacs Thirty Seven Thousand)** on pretext of 6021 marriages allegedly conducted by members of unorganized labour class under Vivah Sahayata Yojna, a scheme promulgated by State government through Karmkar Kalyan

Mandal (Workers Welfare Board) in which every member of unorganized labour between age group of 18 to 60 if undergoes marriage then financial assistance to the tune of Rs. 51,000/- is given after due verification. According to learned senior counsel for the applicant, only 18 families were pointed out to be beneficiaries and not a single penny has been transferred in the account of applicant. Earlier some departmental enquiries were made but no finger was pointed out over role of applicant. In fact he was instrumental in plugging the gap, if any, by asking for affidavit of bride and bridegroom side to maintain transparency. He relied upon decision of Apex court in the matter of **Gudikanti Narasimhulu and Ors. Vs. Public Prosecutor, High Court of Andhra Pradesh, (1978) 1 SCC 240, Joginder Kumar Vs. State of U.P. And Ors., (1994) 4 SCC 260, Siddharam Satlingappa Mhetre Vs. State of Maharashtra and Ors., (2011) 1 SCC 694, Sanjay Chandra Vs. Central Bureau of Investigation, (2012) 1 SCC 40, Sheila Sebastian Vs. R. Jawaharaj and Anr., (2018) 7 SCC 581 and P. Chidambaram Vs. Central Bureau of Investigation, (2020) 13 SCC**

337 in support of his submissions. Applicant undertakes to cooperate in trial. On these grounds, prayer for bail is made out.

Learned counsel for the State on the other hand vehemently opposed the prayer and submits that detailed charge-sheet indicates the role of applicant; wherein, applicant has given benefits of 18,52, 32,000/- during COVID period April, 2020 to May, 2021 and in total more than 6,000 beneficiaries alleged to have been benefited by the act of applicant but on close scrutiny it was found that some people received the benefit; wherein, no children were eligible to be married. Some beneficiaries were not family of construction workers and in some of the cases, beneficiaries did not have any knowledge about the benefits given to them. Around 529 persons were those construction workers whose registrations were not made in Registration Portal and still got the benefit. Looking to the serious natures of allegations and the fact that applicant may tamper with evidence / witness and looking to the amount embezzled by applicant, no case for bail is made out. He prayed for dismissal of the application.

Heard and case diary perused.

This is a case; where, applicant is facing charge for offence under Sections 409, 420, 467, 468, 471, 201, 120-B of IPC and Sections 7,13(1) & 13(2) of Prevention of Corruption Act. A bulky Charge-sheet consisting of more than 80 pages devoted on narrating the allegations only is being filed against the applicant in which allegation of embezzlement of more than rupees Thirty Crores is levelled. Perusal of contents of FIR / narration in charge-sheet indicates that applicant facilitated marriage of more than 6,000 persons in families of construction workers during the period April 2020 to May, 2021 but incidentally, said period was of lock-downs at major portion of time, therefore, occurrence of such large number of marriages in strict lock-down period itself creates doubt. Beside that, many beneficiaries were those who were not entitled for the same because of the fact that no member was going to be married during that period in their families nor many construction workers were registered at all at the portal and still got the benefits. Many more beneficiaries are those who never received the

amount but on record they were paid the benefits of scheme to the tune of Rs. 51,000/- on each marriage. Further investigation is still going on regarding role of other culprits. Incidentally, other two accused namely Yogendra Sharma and Hemant Sahu were neither Govt. employees nor were contractual employees in any manner but were working at the instance of applicant prima facie, therefore, possibility cannot be ruled out that some more members must be involved in commission of offence. It appears to be a big scam where crores of rupees were siphoned off on the pretext of giving benefit of विवाह सहायता योजना to poor construction workers. It is a white collar crime prima facie.

Judgments relied upon by learned senior counsel for the applicant, with due respect, are not applicable in the present set of facts looking to the nature of allegations, official position of applicant and the fact that prosecution witnesses, majority of whom would be vulnerable witnesses are to be examined before the trial Court, therefore, possibility of tampering with evidence / witness by applicant cannot be ruled out.

Allegations are serious in nature and having wider ramifications.

Application sans merits and is hereby dismissed.

(Anand Pathak)
V. Judge

jps/-