

IN THE HIGH COURT OF JHARKHAND AT RANCHI
A.B.A. No.6082 of 2021

Ram Kumar Anand -----
.... Petitioner

Versus

The State of Jharkhand through ACB
.... Opposite Party

CORAM : HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioner : Mr. Sidharth Luthra, Sr. Advocate
: Mr. Indrajit Sinha, Adv.
For the State : Mr. Kaushik Sarkhel, G.A.-V

Order No.02 Dated- 07.09.2021

Heard the parties through video conferencing.

Learned counsel for the petitioner undertakes to remove the defects pointed out by the stamp reporter within two weeks after the lockdown is over.

In view of personal undertaking given by the learned counsel for the petitioner, the defects pointed out by the stamp reporter are ignored for the present.

Apprehending his arrest in connection with Vigilance (Special) Case No.66(C) of 2010 arising out of Vigilance P.S. Case No.49 of 2010 instituted under Sections 420, 120-B, 467, 468, 471, 109, 409, 406 of the Indian Penal Code and Section 13(2) read with Section 13(1)(d) of the Prevention of Corruption Act, 1988, the petitioner has moved this Court for grant of privileges of anticipatory bail.

It is submitted by the learned senior counsel for the petitioner that the allegation against the petitioner is that the petitioner caused a wrongful loss to the tune of ₹ 50 lakhs to the state exchequer by being instrumental in payment of ₹ 50 lakhs by the State of Jharkhand to the Indian Olympic Association (IOA) as a sequel of the letter of Mr. Suresh Kalmadi the then President of Indian Olympic Association on the alleged account of delay in making preparation of the National Games; and this was done by the petitioner despite the fact that though the petitioner being the Working President of the National Games Organizing Committee was very much aware about the ground realities which

did not justify payment of ₹ 50 lakhs to the Indian Olympic Association and in capacity of the Vice President of Indian Olympic Association, the petitioner instead of dissuading the Indian Olympic Association from making such demand, in criminal conspiracy with the co-accused Mr. Bandhu Tirkey-who was the then Sports Minister of the Government of Jharkhand, by his acts of omission and commission ensured the said wrongful loss of ₹ 50 lakhs to the State of Jharkhand and corresponding gain to himself and others.

It is also alleged against the petitioner that for the event management of the opening and closing of ceremony of the 34th National Games upon the recommendation of the tender committee notified by the state government M/s. Wizcraft was chosen and work order was issued as well as 30% of mobilization advance to the tune of ₹ 2,59,54,000/- was paid to the said firm. In the meanwhile as the date of the games was deferred on several occasions the said firm expressed his inability to do the work at the old price but the said firm was interested to do the work in spite of deferring of dates of the said games on several occasions. But without terminating the agreement with the said firm under the direction of the petitioner, re-tender of the opening and closing ceremony was again initiated and the second tender was published in the newspaper. Though the meeting of the tender committee was scheduled to take place at 5.00 PM on 05.10.2009 but the said meeting took place on 06.10.2010 and along with the tender process the meeting of the executive board under the chairmanship of the petitioner was held. In that meeting, the petitioner took the decision to complete the process by persons; different from the members of the notified tender committee. Though the notified committee was approved by the then Chief Minister of Jharkhand but the four member tender committee, the recommendation of which was approved by the petitioner, was neither approved by the Chief Minister, Jharkhand nor approved by the advisor to the Hon'ble Governor of Jharkhand, during the President's Rule in the state of Jharkhand. Three out of the four members of the committee constituted by the petitioner were private persons and the fourth person was a government servant in the Clerk grade. Because of this decision of the Executive Board under the chairmanship of the petitioner, the then Sports Secretary, Government of Jharkhand and the then Director of Sports, Government of Jharkhand dissented and walked out from the meeting. Apart from this in that meeting decision was taken to terminate the tender of M/s Wizcraft. The Executive Board instead of allotting the work to the L-1 bidder namely, Carving Dreams quoted ₹7,96,64,175/- without the price for the film actors allotted the

work to the L-2 bidder Cineyug who quoted ₹ 8,49,00,000/-without the price of film actors, after negotiation for ₹ 8,25,00,000/-that is at a higher rate of ₹ 28,35,825/-ignoring the remarks of the Accountant General in connection with the first work allotted to M/s. Wizcraft that finalization of the tender on the basis of C.D. presentation leaves room for manipulation and fraud and the same is contrary to transparency. The said decision was also contrary to the provisions of the Bihar Financial Rules. Though in the meeting of the W.P. (Cr) No.274 of 2019 5 Executive Board under the chairmanship of the then Chief Minister Mr. Arjun Munda it was acknowledged that the selection of M/s. Cineyug cannot be recognized as the same was not approved by the duly constituted committee as well as the Executive Committee of the National Games Organizing Committee but the petitioner at that time in an arbitrary manner during the President's Rule in capacity of Chairman of National Games Organizing Committee approved the tender of M/s. Cineyug, causing wrongful loss of ₹ 28,35,825/- to the Government of Jharkhand as a part of well-planned conspiracy with an intention to cause wrongful gain to M/s. Cineyug and others involved in the said criminal conspiracy.

It is next alleged that the petitioner was accorded the status of a Minister for State and in the relevant notification it was mentioned that the petitioner during his visit to Jharkhand in connection with the National Games will be provided with accommodation in the government guesthouse, transport facility and security facility and the expenses of the same would be borne by National Games Organizing Committee but the petitioner instead of staying in government guesthouse, stayed in hotel for which the National Games Organizing Committee has to bear an additional unnecessary expenses of ₹ 9,81,477/-.

It is next submitted by the learned senior counsel for the petitioner that after the investigation, charge sheet has been submitted against the petitioner and consequent upon no coercive order passed by a Co-ordinate Bench of this Court in W.P.(Cr.) No.274 of 2019. It is further submitted that the petitioner was the whistle blower. It is submitted that the allegation against the petitioner is false. It is then submitted that the petitioner has been implicated in this case at the behest of some vested interests. It is also submitted that the petitioner has no role to play in the allegation with respect of tender given to M/s Wizcraft. It is then submitted that the petitioner is a very old man suffering from severe kidney ailments requiring constant monitoring by the expert doctors and the copies of the relevant medical documents have also been annexed with this

anticipatory bail application. It is also submitted by learned senior counsel for the petitioner relying upon the order of Hon'ble Supreme Court of India passed in the case of **Siddharth Vs. State of Uttar Pradesh and another** (Cr. Appeal No.838 of 2021) **2021 SCC online SC 615** and upon the order of Hon'ble Supreme Court of India in case of **Aman Preet Singh Vs. C.B.I. through Director** in Cr. Appeal No. 929 of 2021 arising out of SLP (Crl) No. 5234 of 2021 by which the Hon'ble Supreme Court of India has supplemented the observations made in **Siddharth Vs. State of Uttar Pradesh and another** (*supra*) that since the petitioner has co-operated with the investigation of the case all along and charge sheet has been submitted against the petitioner hence no useful purpose will be served by keeping him in custody. It is lastly submitted that the petitioner is ready and willing to co-operate with the trial of the case and undertakes to deposit Rs.50,00,000/- with Registrar Civil Court, Ranchi without prejudice to his defence in this case subject to final decision of this case. Hence, it is submitted that the petitioner be given the privileges of anticipatory bail.

Learned G.A.-V appearing for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions of learned counsels and the facts of this case, this court is inclined to grant privileges of anticipatory bail to the petitioner. Accordingly, the petitioner is directed to surrender in the trial Court within six weeks from today and in the event of his arrest or surrendering, the petitioner will be enlarged on bail on depositing a demand draft of Rs.50,00,000/-drawn in favour of Registrar Civil Court, Ranchi without prejudice to his defence in this case and on furnishing bail bond of Rs.2,00,000/- (Rupees Two Lakhs) with two sureties of the like amount each to the satisfaction of learned Special Judge, (ACB) at Ranchi in connection with Vigilance (Special) Case No.66(C) of 2010 arising out of Vigilance P.S. Case No.49 of 2010 with the condition that he will co-operate with the trial of the case and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

In case the petitioner deposits the said demand draft the trial court as well as the Registrar Civil Court, Ranchi, the court below are directed to in short that the said amount of ₹ 50 lakhs is kept in a fixed deposit in the name of Registrar Civil Court, Ranchi ,in any nationalized bank at least for a period of 5 years with auto renewal clause.

In case the petitioner deposits Rs.50,00,000/-, learned court below will pass appropriate order regarding the same at the time of conclusion of trial.

(Anil Kumar Choudhary, J.)

Pappu/