

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4326 of 2015**

Ganesh Ram Sori, son of Late Shri Bisnath Sori, aged about 58 years (Peon), Office of Sub Divisional Officer (Revenue) Bhanupratappur, at present resident of Narharpur, Civil and Revenue District North Bastar Kanker (Chhattisgarh)

---- Applicant

Versus

State Of Chhattisgarh, Through: Superintendent of Police
Anti-corruption Bureau Jagdalpur, Chhattisgarh

---- Non-applicant

For Applicant: Mr. P.P. Sahu, Advocate.

For Respondent/State: Mr. Anupam Dubey, Dy. Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****09/09/2015**

Heard.

(1) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No.48/2015 registered at Police Station Anticorruption Bureau, Jagdalpur, Chhattisgarh for the offences punishable under Sections 7, 13(1)(d) & 13(2) of Prevention of Corruption Act.

(2) Case of the prosecution, in brief, is that applicant obtained Rs.10,000/- as illegal gratification from the complainant Ranveer Sharma on 1.8.2015 and thereby committed the aforesaid offences.

(3) Counsel for the applicant submits that applicant has not committed any offence and he has been falsely implicated in the offence in question as there is no demand by the present applicant and at the instance of his superior SDO (Revenue) he has received the amount and, as such, mere recovery of tainted amount, would not implicate the applicant for the offence under Section 13(1)(d) of the Prevention of Corruption Act. He further submits that applicant is in jail since 5.8.2015 and charge sheet is yet to be filed but substantial investigation has already been made and, therefore, the applicant may be released on bail.

(4) On the other hand, counsel for the State submits that the offences under Sections 13(1)(d) and 13(2) of the PC Act have been registered against the applicant; and the tainted amount has been recovered from the possession of the applicant and, therefore, the applicant is not entitled to be released on bail.

(5) Taking into consideration the facts & circumstances of the case and the recovery of tainted amount from the possession of the applicant, I am not inclined to released the applicant on bail. Thus, the bail application is rejected.

Certified copy, as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge

D/-