

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M. Cr. C. No. 4491 OF 2015**

Vishnu Sahu S/o Late Chandu Lal Sahu, aged about 44 year, R/o Village Madhopali, Police Station Saraipali, Civil & Revenue District Mahasamund (C.G.)

---Applicant

Versus

State of Chhattisgarh, Through: Anti Corruption Bureau, District Raipur, (C.G.)

---Non-applicant

For Applicant	:	Mr. Manoj Paranjpe, Advocate
For Non-applicant	:	Mr. O.P. Sahu, Govt. Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****18/09/2015**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 47/2015, registered at Police Station Anti Corruption Bureau, Raipur (C.G.), for the offence punishable under Sections 7, 13(1)(d), 13(2) of the Prevention of Corruption Act, 1988.

2. Case of the prosecution, in brief, is that, on 04/08/2015 applicant while working as Water Lineman at Municipal Council Saraipali obtained illegal gratification of Rs. 5,000/- from complainant Santosh Kumar Behra and thereby committed aforesaid offences.

3. Learned counsel for the applicant would submit that work order of painting of the nine water tankers was awarded to the complainant Santosh Kumar Behra on 10/04/2015 by Municipal Council, which he completed and

cheque of Rs. 25,800/- towards work was sanctioned and paid to the complainant Santosh Kumer Behra on 24/07/2015, thereafter a false complaint has been lodged against present applicant on 29/07/2015 for demanding and acceptance of illegal gratification of Rs. 5,000/- which is not only false but also improbable that applicant demanded Rs. 13,000/- for payment of Rs. 25,800/-. He would further submit that amount in question has already been paid to the complainant on 24/07/2015. He would further submit that neither applicant is Chief Municipal Officer nor President of Municipal Council. He would lastly submit that applicant is in jail since 04/08/2015 and charge sheet is yet to be filed, therefore, he may be released on bail.

4. On the other hand, learned counsel for the State would oppose the bail application.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts and circumstances of the case; further taking into consideration the nature and gravity of offence; the applicant is only Water Lineman; payment of alleged work has already been made to the complainant Santosh Kumar Behra on 24/07/2015; neither applicant is Chief Municipal Officer nor President of Council much before the date of complaint; pretrial detention of the applicant and particularly considering the role of the applicant, this Court is of the opinion that present is the fit case, in which, the applicant should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicant shall be released on bail on furnishing a personal bond in the sum of **Rs.25,000/-** with one surety in the like sum to the

satisfaction of the trial Court, for his appearance as and when directed.

9. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
JUDGE

Tiwari