

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5606 of 2015**

- Piyush Mishra S/o Shri Gyanendra Kumar Mishra, aged about 29 Years permanent resident of behind L I G-40, Mandakini Vihar Colony, Civil Lines, Satna (M.P.), Present Address Railway Qtr. No. 194/01, Near Shankar Mandir, Raigarh, Chhattisgarh .

---- Applicant**Versus**

- C. B. I., A.C.B. Bhilai Chhattisgarh, Through Its Superintendent Of Police Bhilai, District Durg, Chhattisgarh

---- Respondent

For Applicant	:	Mr. Kishori Shrivastava, Sr. Advocate with Mr. Ashish Shrivastava and Mr. Kamal Takre, Advocates.
For Respondent	:	Mr. Kishore Bhadhuri along with Mr. Pawan Kesharwani, Advocates.

Hon'ble Shri Justice Inder Singh Uboweja
C A V Order

17 /11/2015

1. The applicant has moved this application under Section 439 of the Cr.P.C. for grant of regular bail, who has been arrested on 1-8-2015 in connection with Crime No. T121242015/0006 RC 6(A)/2015/CBI/Bhilai, registered at Police Station, CBI, ACB, Bhilai, District Durg (CG), for the offence punishable under Sections 7, 13(1)(d) & 13(2) of Prevention of Corruption Act, 1988 (for short, 'the PC Act, 1988').
2. The case of the prosecution, in brief, is that applicant Piyush Mishra, who was working as an Assistant Divisional Electrical Engineer (OP) in South East Central Railway, Raigarh, being authority, had demanded a bribe of Rs.2,000/- from his subordinate to relieve him from his official duties from Raigarh Depot to Bilaspur Depot. Being aggrieved by the act of the applicant, complainant reported the matter to Anti Corruption

Bureau, Bhilai on 31-07-2015. On being report lodged, a trap was conducted in which chemically treated currency notes of Rs.2,000/- as gratification was offered to the present applicant and on his direction the same was kept under the pillow which was seized by the trap party and after due investigation, challan has been filed against the applicant.

3. Learned counsel appearing for the applicant would submit that the applicant has not committed any offence and has been falsely implicated in the case. He would further submit that the applicant being a Central Government employee and a responsible officer of the Railway, there is no likelihood of his absconding in case of his release on bail and he is also not in a position to tamper with the prosecution witnesses. He would further submit that there are so many lacunas in the investigation. the applicant is in jail since 1-8-2015, challan has been filed, but no sanction has been given by the authority to prosecute the applicant under the provisions of the Act, 1988, there may be some delay in concluding the trial and no useful purpose would be served in keeping the applicant in jail, therefore, he may be released on bail.
4. *Per contra*, learned counsel appearing on behalf of CBI, opposing the bail application, would submit that tainted currency notes of Rs.2000/- were recovered from the possession of applicant. Present applicant was made to dip his hands in the solution of sodium carbonate which resulted into the change of pink colour, and there is sufficient material to connect the applicant with the crime in question. He would further submit that sanction by the authority to prosecute the applicant being a Government employee is a technical term, it may be received shortly and investigation has been done properly and there is no lacuna in the investigation, therefore, he is not entitled to be released on regular bail
5. I have heard learned counsel for the parties and perused the case diary.

6. A bare perusal of the case diary goes to show that the applicant had demanded bribe from complainant to relieve him from Raigarh Depot to Bilaspur Depot and thereafter he received the aforesaid bribe and he was trapped by the trap party. At this stage though there is no sanction by the authority to prosecute the applicant under Section 19 of the Act, 1988, but it may be received shortly and there is sufficient and clinching evidence against the applicant to connect him with the crime in question.
7. Taking into consideration all the facts and circumstances of the case, nature and gravity of the offence, role of the present applicant, and evidence adduced by the prosecution, I am of the considered opinion that *prima facie* it is not a fit case where the applicant can be released on bail.
8. Accordingly, the bail application is liable to be and is hereby rejected.

**Sd/
(I.S. UBOWEJA)
Judge**

Raju