

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6380 of 2015

Smt. Madhu Harsh, W/o. Dr. Harshwardhan, Aged About 43 Years, R/o.
3D Russian Complex, Sector-7, Bhilai, Distt. Durg, Chhattisgarh..

---- Applicant

Versus

State Of Chhattisgarh, Through District Magistrate, Durg Chhattisgarh.

---- Respondent

For Applicant : Ms. Fouzia Mirza, Advocate

For Respondent : Mr. Ashish Shukla, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

26/11/2015

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.55/2015 registered at Police Station- Anti Corruption Bureau, Raipur (C.G.) for the offence punishable under Sections 7, 13(2) read with Section 13(1)(d) of Prevention of Corruption Act.
2. As per the prosecution case, in brief, the applicant who had worked as Additional Tahsildar, Bhilai, demanded money for correction of the map from the applicant and thereafter a digital voice recorder was given to the complainant and subsequently the trap was made on 16.10.2015 as there has been a demand of Rs.5000/- from the complainant. It is the case of the prosecution that after seeing the trap party coming into room the envelop was handed over to Bhushan Goutam who was Peon working in the office who threw it away at some other place. Subsequently, that envelop was recovered from the other place.

3. Learned counsel for the applicant submits that the entire allegations have been leveled at the behest of one Manohar and she has been falsely implicated in this case. She further further submits that after the applicant was trapped when her hands were washed, her hands did not change the colour. Consequently, no case is made out that against her that she accept the bribe and therefore she may be enlarged on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Considering the case diary certainly when the hands of the applicant were washed it did not change the colour and the voice recorder is also not in the part of the case diary. For the purpose of bail, considering the fact that the applicant is a lady and she is in jail since 17.10.2015, without any observation on merit, I am inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for her appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge