

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7135 of 2015

Jai Chand Ram Bhagat, S/o. Tejuram Bhagat, Aged about 42 years, the then Chief Executive Officer, Janpad Panchayat, Pathariya, Presently Chief Executive Officer, Janpad Panchayat, Bilha, District Bilaspur (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through: the Station House Officer, ACB/EOW, Bilaspur, Chhattisgarh .

---- Respondent

For Applicant : Dr. Nirmal Shukla, Sr. Advocate
alongwith Mr. Shiv Shankar Tiwari,
Advocate.

For Respondent : Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

21/12/2015

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No. 20/2015 registered at Police Station- Anti Corruption Bureau, Bilaspur, District – Bilaspur (C.G.) for the offence punishable under Sections 13(1)(e) read with Section 13(2) of the Prevention of Corruption Act, 1988.
2. Case of the prosecution, in brief, is that a raid was conducted in the house of the applicant on 08.05.2005 and the disproportionate property was recovered from the house of the applicant. Subsequently, the sanction was accorded after about 10 years and the applicant has appeared before the Court of Special Judge under the Prevention of Corruption Act in connection with Crime No. 20/2015, The police has arrested the applicant on 26.11.2015.

3. Learned counsel for the applicant submits that the raid was conducted on 08.05.2005 and the sanction was accorded after about 10 years and the applicant surrendered himself before the Court of Special Judge under the Prevention of Corruption Act, Bilaspur on 26.11.2015 and he was arrested and sent jail. He further submits that the property which was stated to be disproportionate i.e. house has been purchased after availing loan from Punjab National Bank and the another was the agricultural land, which was purchased in the year 2001 for Rs. 3 lakhs and considering the documents there is laps of time and no evidence is required; therefore, he may be enlarged on bail.
4. State counsel opposes the prayer for grant of bail
5. Having regard to the fact that the charge-sheet has been filed. Taking the further facts that the raid was conducted on 08.05.2005 and the sanction was accorded after about 10 years. Considering the fact that the charge sheet has been filed against the applicant and the fact the applicant is in jail since 26.11.2015, and as appears no further custodial interrogation is necessary, this Court is of the opinion, that present is a fit case, in which, the applicant should be enlarged on regular bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. 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 his appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge