

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.3783 of 2015**

Dr.Narendra Pal Singh S/o Dr.Baljeet Singh (wrongly mentioned in the Remand Form as Baldev Singh), Aged about 58 years, Dy.Director, Vetnary Services, Presently posted at Durg, R/o Government Poultry Farm, Pandmanabhpur, Durg (CG)

---Applicant**Versus**

State of Chhattisgarh, Through: Anti-Corruption Bureau, Raipur (CG)

---Non-applicant

For Applicant	:	Mr. Abhishekh Sinha, Advocate
For Non-applicant	:	Mr. Ramakant Mishra, Dy.Advocate General

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****11/08/2015**

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.33/2015, registered at Police Station-Anti Corruption Bureau, Raipur District-Raipur (CG), for the offence punishable under Sections 7, 13(1) (d) and 13(2) of the Prevention of Corruption Act.

2. Case of the prosecution, in brief, is that the accused/applicant while working on the post of Deputy Director, Veterinary Services, on 19.6.2015 demanded an illegal gratification of Rs.8,000/- from complainant K.P.Tiwari to grant GPF part final and obtained Rs.2,000/- for that work, which was intimated by the complainant and in trap conducted on 25.6.2015, Rs.6000/- was recovered from the possession of the present applicant and thereby committed the aforesaid offence.

3. Learned counsel for the applicant would submit that applicant has not

committed any offence and has been falsely implicated in this case. Learned counsel would further submit that on 19.6.2015 itself, an application of the complainant with due recommendation was forwarded to the treasury for needful action and ultimately, it was processed and payment was made according to his information on 25.6.2015, but in order to falsely implicate the present applicant, trap is alleged to be conducted on 25.6.2015 and an amount of Rs.6,000/- was alleged to be recovered from drawer of the present applicant, which has not been recovered from the possession of the present applicant. Learned counsel would also submit that phenolphthalein test was found negative and as such, there is no evidence against the present applicant to connect him in crime in question. Learned counsel contended that the complainant is rank defaulter in performance of his duty, he was subjected to show-cause notice by the present applicant on 10.12.2014, 25.11.2014 and 10.11.2014, but he did not improve himself and made an application on 19.6.2015 on the fake ground of marriage of his son, which is apparent from the fact that his son has already married and has an issue and the entire application for payment of part final was made to falsely implicate the present applicant and to take revenge of the departmental proceeding, which he was subjected by the present applicant. Learned counsel further contended that the alleged entire investigation of trap party has already been concluded and the applicant being Deputy Director aged about 58 years is in jail since 25.6.2015, he has also been placed under suspension, substantive investigation has already been concluded and no useful purpose will be served by keeping him in jail and therefore, he may be released on bail.

4. On the other hand, learned counsel for the State would oppose the bail application and submit that application of the complainant was forwarded only after receipt of the amount of Rs.2,000/-, which was mentioned in the complaint, however, the complainant is honest worker and when he has been harassed by the present applicant, then only he made a complaint as he was great need of

money for marriage of his son, who is still unmarried, therefore, the applicant may not be released on regular bail.

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, material available on record, taking note of the fact that application of the complainant was forwarded on 19.6.2015 and the alleged amount is said to have been recovered from drawer of the office, considering the status of phenolphthalein test report, the applicant being Senior Deputy Director aged about 58 years and has been placed under suspension on 25.6.2015, he is in jail since 25.6.2015 and substantive investigation has already been completed, this Court is of the opinion that present is a 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 concerned trial Court, for his appearance as and when directed.

9. Certified copy as per rules.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-