

HIGH COURT OF CHHATTISGARH, BILASPUR

Misc. Criminal Case No.5398 of 2015

Ramprasad Patel, S/o Dharam Singh, aged about 44 years, R/o Kabir Chowk, Police Station Kotwali, Civil & Revenue Distt. Raigarh (C.G.)

---- Applicant

Versus

State of Chhattisgarh, through Station House Officer, Police Station Anti Corruption Bureau, Distt. Bilaspur (C.G.)

---- Non-applicant

For Applicant:	Mr. Awadh Tripathi, Advocate.
For Non-applicant/State:	Mr. Dheeraj Kumar Wankhede, Govt. Adv.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

04/12/2015

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing him on regular bail during trial in connection with Crime No.46/2015, registered at Police Station: Anti Corruption Bureau, Bilaspur, for the offence punishable under Sections 7, 13 (1) (d) and 13 (2) of the Prevention of Corruption Act, 1988.
2. This is the second bail application filed on behalf of the applicant for grant of regular bail. First bail application has been dismissed as withdrawn with liberty to file after filing of charge-sheet, vide order dated 22-9-2015 passed by this Court in M.Cr.C.No.4791/2015. Now, charge-sheet has already been filed.
3. Case of the prosecution, in brief, is that the applicant being Patwari demanded a sum of Rs.6,000/- from the complainant for supplying

copy of khasra panchshala to him and obtained Rs.6,000/- on 1-8-2015.

4. Learned counsel for the applicant submits that the applicant has not committed any offence, charge-sheet has already been filed, he is in jail since 1-8-2015 and no useful purpose will be served by keeping him in jail as after filing of charge-sheet there is also no chance of tampering with the prosecution witnesses and trial is likely to take some time. He further submits that the applicant has already suffered suspension on account of his detention in the present case and he is a low paid employee and, therefore, he be released on bail.
5. On the other hand, learned State counsel opposes the application and submits that the applicant was caught red-handed with a sum of Rs.6,000/- as illegal gratification for supplying copy of revenue records to the complainant and his hand has also become pink in phenolphthalein test conducted by the Anti Corruption Bureau as such, it is a clear case of obtaining illegal gratification which is punishable under Sections 7, 13 (1) (d) and 13 (2) of the Prevention of Corruption Act, 1988 and, therefore, he is entitled to be released on bail.
6. I have heard learned counsel for the parties and perused the case diary.
7. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, further taking in account the fact that charge-sheet has already been filed, the applicant is in jail since 1-8-2015 for last four months, charge-sheet having been filed there is no chance of tampering with the prosecution witnesses as investigation

has already been completed and the fact that the applicant has also suffered suspension from service, I consider it appropriate to grant regular bail to the applicant. Accordingly, the application is allowed.

8. It is, therefore, directed that the applicant be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court for his appearance as and when directed.

Sd/-
(Sanjay K. Agrawal)
Judge

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