

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1114 of 2016**

- Sohan Kumar S/O Devendranath Vishwakarma, aged about 31 years, R/O Village Madangashi, Post & P.S. Mokama, Civil And Rev. District Patna (Bihar); Presently residing at C/O Vijay Mahant, Near Subhash Mixture Factory, Railway Banglapara, Raigarh, District Raigarh (Chhattisgrh).

---- Applicant**Versus**

- Central Bureau Of Investigation A.C.B., Bhilai (Chhattisgarh) Through Its Superintendent Of Police, C.B.I., A.C.B., Bhilai, Civil & Rev. District Durg (Chhattisgarh).

---- Non-applicant

 Appearance: Mr. Adil Minhaj, counsel for the applicant.
 Shri Kishore Bhaduri with Shri Pawan Kesharwani, counsel for the C.B.I.

ORDER
(16-03-2016)

Heard.

2. This is a second bail application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail in connection with Crime No.RC1242015A0006/2015 (wrongly mentioned as RC1242015A006 in first bail application) registered at Police Station Central Bureau of Investigation, A.C.B. Bhilai (C.G.) for offence punishable under Sections 7 & 13 (2) read with 13(1)(d) of Prevention of Corruption Act and Section 120 B of the IPC. First bail application was dismissed as withdrawn vide order dated 30-10-2015.

3. Case of the prosecution, in brief, is that co-accused demanded bribe from the complainant in furtherance of the transfer order issued in his favour, there was a conspiracy between the accused/applicant and the co-accused in order to obtain bribe amount from the complainant, thereby the applicant has committed the aforesaid offence.

4. Learned counsel for the applicant submits that the applicant is even junior to the complainant. As per allegation of C.B.I., he was merely acting as a mediator in the matter. He further submits that present applicant is a Government employee and till date no sanction order is passed by the competent Authority to prosecute the applicant. He submits that the applicant is in jail for about 9 months and challan has been filed. He further submits that similarly situated co-accused person, namely, Piyush Mishra has been granted bail vide order dated 01.02.2016 passed by the Hon'ble Supreme Court, therefore, the applicant is also entitled to be released on bail. In support of his arguments, he placed reliance on a decision in the matter of Sanjay Chandra v. Central Bureau of Investigation, **(2012) 1 SCC 40**.

5. On the other hand, learned counsel appearing for the respondent/C.B.I. has opposed the application for bail.

6. Taking into consideration the facts and circumstances of the case and further taking into consideration that the co-accused, namely, Piyush Mishra, who is similarly situated

person, has been granted bail vide order dated 01.02.2016 passed by the Hon'ble Supreme Court and considering the principles enunciated by the Supreme Court in **Sanjay Chandra** (supra), 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 Code of Criminal Procedure is allowed. It is ordered that the applicant shall be released on bail on his furnishing a personal bond for a sum of Rs. 30,000/- along with one surety of the like amount to the satisfaction of the trial Court. He shall appear before the trial Court regularly on each and every date as and when given to him by the said Court till the trial is concluded.

C.C. as per rules.

Sd/-

(I.S. Uboweja)
Judge