

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7589 of 2015

Nawab Aalam S/o Riazuddin Aged About 51 Years R/o House No. 131, Vivekanand Nagar Kohka Bhilai Nagar, Civil And Rev. Distt. Durg Chhattisgarh.

---- Applicant

Versus

Central Bureau Of Investigation (State Mentioned In Impugned Order), Through Police Station C.B.I., A.C.B., Bhilai, Distt. Durg Chhattisgarh.

---- Non-Applicant

For Applicant	:	Mr. Sunil Otwani, Advocate.
For Non-Applicant/CBI	:	Mr. Kishore Bhaduri, Advocate.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

12/01/2016

Heard.

1. The applicant has moved this application under Section 439 of the Cr.P.C. for grant of regular bail in connection with Crime No.RC1242015A0008, registered at Police Station CBI, ACB, Bhilai for the offence punishable under Section 7 & 13(2) read with Section 13(1)(d) Prevention of Corruption Act, 1988. The applicant has been arrested on 14.10.2015.

2. Prosecution case is that the applicant by corrupt means collected Rs.40,000/- from the complainant in lieu of he vacating the house which was consequently allotted to the complainant.

3. Learned counsel for the applicant submits that the complainant has concocted a case against the applicant. The applicant, himself, had volunteered to vacate the premises by moving an application on 29.09.2015 which was also sanctioned and thereafter, allotment order was issued in favour of complainant only on 07.10.2015. Therefore, the complainant's

story of taking the amount by applicant as a motive is not made out. The investigation is complete, charge-sheet has already been filed and looking to the maximum punishment which could be awarded for alleged offence, the applicant may be granted regular bail on appropriate condition.

4. On the other hand, learned counsel for the C.B.I. opposes prayer for grant of regular bail and submits that the material collected during investigation which includes the transcript of conversation between the complainant and the applicant, and recovery of Rs. 40,000/- from the possession of the applicant which he failed to explain, directly connects the applicant with the alleged commission of offence. He submits that after grant of bail, the applicant is likely to abscond or tamper with the prosecution witnesses. Therefore, looking to the nature of allegation and it being a case of alleging corruption, the application may be rejected.

5. The allegation against the applicant is of taking Rs.40,000/- from the complainant. The applicant was arrested on 14.10.2015 thereafter, investigation has been completed and now, charge-sheet has been filed in the Court of Special Judge CBI, Raipur. Further detention of the applicant does not appear to be necessary. There is no material placed before the Court to form an opinion that in the event of grant of bail, the applicant is likely to misuse the liberty either tamper with the prosecution witnesses or likely to abscond so as to protect the trial.

6. Considering the aforesaid circumstances, particularly filing of charge-sheet and that presence of the applicant can be secured by imposing appropriate condition during trial, the application is allowed.

7. Accordingly, it is directed that the applicant shall be released on bail on furnishing a personal bond in the sum of Rs.25,000/- along with two local sureties for the like amount to the satisfaction of the concerned trial Court. He shall appear before the Court below on the date as directed by the concerned Court, unless exempted from appearance.

8. Certified copy as per rules.

Sd/-

(Manindra Mohan Shrivastava)
J U D G E