

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.4411 of 2016**

Ajay Kumar Panda, S/o Shri Bhaskar Chandra Panda, Aged about 53 years, R/o House No.1121/B, Railway Construction Colony, Tarbahar, Police Station Tarbahar, Bilaspur, District Bilaspur (CG)

---Applicant

Versus

Union of India through Central Bureau of Investigation, A.C.B. Bhilai, District Durg (CG)

---Non-applicant

For Applicant	:	Mr. Maneesh Sharma, Advocate
For Non-applicant	:	Mr. Kishore Bhaduri with Mr.Pawan Kesharwani and Mr.Anmol Sharma, Advocates

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

01/09/2016

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. RC1242016A0004 of 2016, registered at Police Station-Tarbahar, District-Tarbahar (CG), for the offence punishable under Sections 7, 13(2) read with 13 (1) (d) of the Prevention of Corruption Act, 1988 (hereinafter called as 'PC Act').

2. Case of the prosecution, in brief, is that the present applicant was holding the post of Additional Divisional Finance Manager in the office of Senior Divisional Finance Manager of the South East Central Railway and at the relevant time, he was also a member of Tender Committee, he demanded and obtained ₹11,600/- towards illegal gratification for signing on the rate negotiation report from complainant R.M. Subramaniam and thereby committed the offence.

3. Mr.Manish Sharma, learned counsel appearing for the applicant, would submit that the applicant has not committed. He would further submit that rate negotiation report has already been signed on 12.5.2016, whereas date of occurrence is 13.5.2016 and as such, he has falsely been implicated in crime in question. He would also submit that sanction for prosecution under Section 19 (1) of the PC Act has not been granted, charge-sheet has already been filed and even trial cannot begun in absence of sanction of prosecution. The applicant is in jail since 13.5.2016 and no custodial interrogation is required and therefore, he may be released on regular bail. He relied upon the order of the Supreme Court passed in Criminal Appeal No.93 of 2016 (Piyush Mishra Vs. CBI) on 1.2.2016.

4. On the other hand, learned counsel for the CBI would oppose the bail application and submit that the applicant has obtained ₹11600/- as an illegal gratification for signing on the rate negotiation report.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts & circumstances of the case, nature & gravity of the offence, the fact that the applicant is in jail since 13.5.2016 and there is no evidence to hold that he is likely to abscond, charge-sheet has already been filed, no further interrogation of the applicant is required, also taking into consideration the order passed by the Supreme Court in **Piyush Mishra's** case (supra) and sanction for prosecution is still awaited as stated, 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 the applicant shall be released on bail on his furnishing a personal bond in the sum of ₹1,00,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-