

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 172 of 2017

Rakesh Mahilang, S/o. Shri Almudas Mahilang, Aged About 24 Years, Assistant Grade-III, Office Of Chief Medical & Health Officer, Bemetara, District Bemetara, Permanent Address- Village Bija, Police Station Saja, District Bemetara, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through The Police Station- State Economic Offences Investigation & Anti-corruption Bureau Raipur, District Raipur, Chhattisgarh.

---- Respondent

For Applicant : Mr. P.P. Sahu. Advocate

For Respondent : Mr. Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

25/01/2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.69/2016 registered at Police Station- State Economic Offences Investigation & Anti-corruption Bureau Raipur, District Raipur (C.G.) for the offence punishable under Section 7, 13(1)(D), 13(2) of Prevention of Corruption Act, 1988.
2. As per the prosecution case, one Radha Kelkar when wanted to make a joining in the Health Department, one Sitaram Rajput demanded Rs.15,000/- to give her attendance for the past years as earlier she was suspended and subsequently she reinstated. Thereafter, the settlement was made for Rs.10,000/- and accordingly, on 03.12.2016 Rs.5,000/- was given to Sitaram Rajput and at that time when the trap party intervene, the amount

was handed over to the present applicant. Thereby, the offence has been committed.

3. Learned counsel for the applicant would submit that the entire demand and gratification is on Sitaram Rajput and when the trap party came, the money was handed over to the present applicant and he has not demanded any amount and, as such, the applicant has not committed any offence; therefore, he may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the documents. It appears that when the trap was made, money was immediately handed over to the present applicant and demand of money appears to have made by the other co-accused Sitaram. Considering the nature of allegation against the present applicant and the role played by him, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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.

Sd/-
(Goutam Bhaduri)
Judge