

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1319 of 2017

- Shushil Kumar Choudhary S/o Kunjal Ram Choudhary, Aged About 54 Years R/o Village Gour Bahri, Police Station & Tehsil Tamnar, Civil & Revenue District Raigarh, Chhattisgarh.

---- **Petitioner**

Versus

- State of Chhattisgarh Through The State Economic Offence Investigation & Anti Corruption Bureau, Raipur, Branch At Bilaspur, Chhattisgarh.

---- **Respondent**

For Applicant : Ms. Sharmila Singhai, Advocate

For Respondent/State : Mr. Ashish Shukla, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

16-03-2017

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 on 6-2-2017 in connection with Crime No. 36 of 2011, registered at Police Station ACB/E.O.W Branch, Bilaspur , District Bilaspur (CG) for the offence punishable under Sections 13(1) (e) and 13(2) of Prevention of Corruption Act, 1988.
2. As per prosecution case, a complaint was made against the applicant that he had demanded bribe and subsequent thereto when the trap was made, search was also made in the house of the applicant wherein total property of Rs.93,89,783/- was calculated out of which disproportionate property of Rs.59,28,274/- was found as against income. The incident happened on 27-5-2011.
3. Learned counsel appearing for the applicant would submit that trap case was filed wherein complainant became hostile and the applicant has been falsely implicated in this case. Subsequently after period of six years, the

applicant has been again arrested in the instant case though first information report was made on 27-5-2011. It is further submitted that explanation of all the assets were given, charge-sheet has been filed, the applicant is in jail since 6-2-2017 and considering the lapse of time in between the assets and first information report, no further investigation would be necessary, therefore, he may be released on bail.

4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties, perused the case diary and documents.
6. It is not disputed that the first information report was made on 27-5-2011 and charge -sheet has been filed on 6-2-2017. Considering the lapse of time between FIR and charge sheet, prima facie, it appears that no further investigation may be necessary.
7. Taking into consideration the facts and circumstances of the case and further considering the evidence which appears to be documentary in nature and also the fact that charge-sheet in this case has been filed and the applicant is in jail since 6-2-2017, this court is inclined to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicant shall 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 trial Court. He shall also appear before the trial Court as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju

