

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MISC. CRIMINAL CASE NO. 4854 OF 2017

Suklal Sahu S/o late Karuna Sindhu Sahu, aged about 61 years, R/o Sidhi Vinayak Colony, House No. 18, Indra Nagar, District Raigarh (CG).

... Applicant

Versus

State of Chhattisgarh, through the Station House Officer, Police Station Chakradhar Nagar, Raigarh (CG).

... Respondent

For Applicant	:	Shri Mateen Siddique, Advocate.
For Respondent-State	:	Shri Gary Mukhopadhyay, Dy. G.A.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

20/11/2017

1. This is the first bail application seeking for grant of bail to the applicant who is in jail since 03.04.2017 in connection with Crime No. 179 of 2016 registered at Police Station Chakradhar Nagar, Distt. Raigarh, for the offence punishable under Sections 420,467,468,471,120-B of IPC and Section 13(1) and 13(2)(D) of the Prevention of Corruption Act, 1988.
2. Learned Counsel for the applicant submits that the present applicant is a Lower Division Clerk in the Public Health Engineering Department posted at Raigarh at the time of incident. It is a case where the allegation against the applicant and other co-accused person are that they have manipulated certain documents in a tender matter and have awarded contract to some persons in whom the applicant and other accused persons were interested.
3. It is further submitted that the main accused person in the instant case was one Karan Singh Karasolia, Executive Engineer in the

Public Health Engineering Department, who has already been granted bail by the Supreme Court in Special Leave to Appeal (Cr.) No.6013 of 2017, decided on 10.10.2017. Since the main accused person has already been granted bail by the Supreme Court, the present applicant being co-accused may also be treated at par and may be released on bail. The additional ground which the applicant has raised is that the present applicant was a sub-ordinate working under the main accused Karan Singh and the applicant was duty bound to obey the instructions given by the superior authorities while processing the papers and thus, there was no intention or malafide on the part of the present applicant in processing of the tender papers. He further submits that the applicant is in custody since 03.04.2017 and therefore he may be enlarged on bail.

4. The State counsel opposes the bail application though he admits the fact that main accused was Karan Singh, the superior authority of the present applicant who has already been granted bail by the Supreme Court.
5. Without commenting on merits, considering the totality of the facts and circumstances of the case particularly taking note of the fact that the main accused Karan Singh Karasolia has already been granted bail by the Supreme Court on 10.10.2017 and the allegation levelled against the present applicant is also of similar nature and also the fact that the applicant is in detention since 03.04.2017, this Court is of the opinion that the present is a fit case where the applicant can be enlarged on bail.
6. Accordingly, the application for grant of bail is allowed. It is directed that the applicant shall be released on bail on his furnishing a

personal bond for a sum of Rs.20,000/- with one surety of the like sum to the satisfaction of the concerned Trial Court for his appearance as and when directed.

**Sd/-
(P. Sam Koshy)
Judge**

inder