

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 3128 of 2017**

J.P. Dwivedi, S/o. Shri Agun Prasad Dwivedi, Aged About 59 Years,
 Posted as District Manager, Balodabazar, Food Supply Corporation
 Balodabazar, R/o. Ganga Nagar, Sector 2, Behind Van Vikas Nigam
 Office, Mangala Road, Bilaspur, District Bilaspur, Chhattisgarh

---- Applicant**Versus**

State Of Chhattisgarh, Through the Incharge, Anti Corruption Bureau,
 Raipur, Chhattisgarh

---- Respondent

 For Applicant : Mr. Anup Majumdar, Advocate

For Respondent : Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri**CAV Order****12.07.2017**

1. This is the second 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.09/2015, registered at Police Station- Anti Corruption Bureau, Raipur (C.G.) for the offence punishable under Section 109, 120-B, 420, 409 of Indian Penal Code and Section 13(1)(d), 13(2) of the Prevention of Corruption Act, 1988. The first bail application was dismissed on merit on 25.07.2016.
2. As per the prosecution case, the applicant while working as District Manager, Food Supply Corporation, Balodabazar in conspiracy with others accepted substandard rice which was meant for public distribution for Millers through its collecting agency and in lieu thereof has received huge amounts from the Millers from whom the supplies were collected and subsequently the amounts were being distributed to the higher officials and the relevant documents were seized.

3. Learned counsel for the applicant would submit that now the State examiner of the questioned document have been examined and total ambiguity have been created, which involves the present applicant. It is further submitted that the applicant was working as District Manger, Balodabazar and it was alleged that he accepted the below standard of rice and salt, which is stated only on the inference. It is stated that out of 215 witnesses only 4 witnesses have been examined and remaining are still to be examined and the trial has been stayed by the Supreme Court, therefore, under the circumstances, the applicant may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the earlier bail rejection order dated 25.07.2016. The bail application was dismissed on merit. Evaluating the statement of the witnesses, at this stage, and give any finding, by picking up few of the statement, would amount to adjudicate the case on merit while hearing the bail application. Therefore, if such opinion is expressed accepting the argument of the applicant, it would prejudice the right of either parties i.e. prosecution or accused. Taking into fact that the applicant had earlier preferred a SLP (Crl.) No. 7716/2016 before the Supreme Court, which was dismissed as withdrawn simplicitor on 18.10.2016, I do not find any change of circumstances to reconsider the instant second bail application.
6. Accordingly, the bail application filed by the applicant under Section 439 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge