

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5835 of 2017**

- Kundan Kumar Banjare S/o Kamta Prasad Banjare, Aged About 38 Years Dy Director, Mining Department, Directorate, Indrawati Bhawan, Raipur, R/o Village Bhothali, Post Fardfaud, Tahsil Arang, District Raipur, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through Station House Officer, Police Station E. O. W./ Anti Corruption Bureau, District Raipur, Chhattisgarh.

---- Respondent

For Applicant	:	Dr. N.K. Shukla, Sr. Adv. with Shri Aman Kesharwani, Advocate
For Respondent-State	:	Shri Anupam Dubey, Dy. GA for the State

Hon'ble Shri Justice Goutam Bhaduri**Order****05/10/2017**

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 on 03.05.2017 in connection with Crime No. 47/2016 registered in Police Station ACB, Raipur, District Raipur for offence punishable under section 13(1)(e) and 13(2) of Prevention of Corruption Act, 1988 and Sections 109 & 120-B of the I.P.C.
2. As per the prosecution case, search having been conducted in the house of the applicant and his father disproportionate property were found in the possession of the applicant. The applicant was appointed to the post of Mining Officer on 17/06/2008 and during search amount and different assets held by applicant were found which were over and above to the income derived from legal sources. During investigation it was found that

Rs.38,19,220/- were earned by the applicant during his service whereas he has spent Rs.1,80,47,748/- thereby Rs.1,42,28,528/- was found to be over and above the income. The different assets were in the name of mother, father and his brother. It is alleged that said assets were procured by applicant by misusing the capacity of public servant that of mining officer.

3. The first bail application bearing M.Cr.C. No.3660 of 2017 was dismissed on 16.06.2017.
4. Learned counsel for the applicant would submit that the police officer who registered the crime has investigated the case, therefore, there is serious prejudice has been caused, therefore, the applicant may be enlarged on bail.
5. Perused the earlier bail order dated 16.06.2017 and the statements of the 15 witnesses, which have been filed. At this stage, it would not be proper for this Court to give a finding by evaluating the entire facts keeping in mind the statements of these witnesses as it would amount to usurping the power of trial Court. It is observed that within a short span of time this application has been repeated, therefore, I do not find any change of circumstances to reconsider the same. It is accordingly dismissed.

Sd/-

Goutam Bhaduri
Judge

Ashu