

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7098 of 2017**

- D. S. Kushwaha S/o Shri Prahlad Singh Kushwaha, Aged About 67 Years Assistant Manager(Technical) On Contract, Department Of Food And Civil Supplies, R/o House No. 109, Sunder Nagar, Raipur, Civil And Revenue District Raipur, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Superintendent of Police, Economic Offence Wing / Anti Corruption Bureau, Raipur, Chhattisgarh.

---- Respondent

For Applicant	:	Shri Aditya Tiwari, Advocate
For Respondent-State	:	Shri J.K. Gilda, AG with Shri Anupam Dubey, Dy. GA for the State

Hon'ble Shri Justice Goutam Bhaduri**C A V Order****(Judgment Reserved on 24.11.2017)****(Judgment Delivered on 29.11.2017)**

1. This is the Third 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 20.03.2015 in connection with Crime No. 09/2015 registered at Police Station Economic Offence Wing/Anti Corruption Bureau, Raipur, District Raipur (CG) for the offence punishable under Sections 109, 120 B, 409 & 420 of the I.P.C. and Sections 11 & 13 (1) (d) read with Section 13 (2) of the Prevention of Corruption Act, 1988.
2. The first bail application was dismissed as withdrawn on 15.12.2015 in M.Cr.C. No.6943 of 2015. The Second Bail Application was dismissed on 10.02.2016 in M.Cr.C. No.397/2016.

3. Case of the prosecution, in brief, is that the applicant, who was working under Sandeep Agrawal in the Nagrik Aapurti Nigam was delegated with the duty to give a certificate of the quality in respect of paddy and the other food grains procured and to help one Sandeep Agrawal in sampling process and when the various complaints came that the poor quality rice were procured by giving false certificate, the phone calls were intercepted of the officers and thereafter, the raid was conducted and different officers were arrested including the applicant and from the possession of the applicant, Rs.5,60,000/- from his house and Rs.1,22,715/- from his locker was seized. Subsequently, the rice which was subjected to test was found to be sub-standard and it is also the allegation of the prosecution that the applicant along-with other co-accused not only gave the false certificate for the paddy but also made an arm twisting method to the millers to accept the paddy which were of the sub-standard quality as otherwise they used to refuse the same which in turn would lead to financial burden for conveyance and stocking.
4. It is contended that the bail of the similarly placed co-accused Kshir Sagar Patel has been allowed by the Supreme Court on 22.09.2017 bearing SLP (Criminal) No.4304/2017, therefore, the applicant may also be enlarged on bail.
5. During the course of hearing learned Advocate General pointed out that the co-ordinate Bench of this Court has dismissed the bail application of the co-accused i.e. of Dilip Kumar Sharma bearing M.Cr.C. No.6359/2017, Moti Lal Sahu bearing M.Cr.C. No.7170/2017 & Sudhir Kumar Bhole bearing M.Cr.C. No.7181/2017.
6. Considering the fact that the bail applications of Dilip Kumar Sharma bearing M.Cr.C. No.6359/2017 is dismissed on 10.10.2017, Moti Lal Sahu bearing M.Cr.C. No.7170/2017 is dismissed on 14.11.2017 & Sudhir Kumar

Bhole bearing M.Cr.C. No.7181/2017 is dismissed on 15.11.2017 by the coordinate Bench of this Court, I am not inclined to allow this bail application as the institutional parity in orders must exist. I do not find any change of circumstances to reconsider this repeat bail application. Accordingly, the Bail application is dismissed.

Sd/-

Goutam Bhaduri

Judge

Ashu