

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 910 of 2018

Shivshankar Bhatt, S/o. Sri Manohar Bhatt, Aged About 59 Years, R/o. HIG- 1/138 Pandit Deen Dayal Upadhyay Nagar Raipur, P.S.- D.D. Nagar Raipur, Tahsil Raipur, Civil Revenue District Raipur Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through P.S.- Anti Corruption Bureau, Raipur, District Raipur Chhattisgarh.

---- Respondent

For Applicant : Mr. Savita Panjabi, Advocate

For Respondent : Mr. Adhiraj Surana, Dy. Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

08.02.2018

1. This is the sixth 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 11, 13(i)(d) & 13(2) of the Prevention of Corruption Act, 1988 & Section 109, 120B, 409, 420, 466, 467 & 468 of Indian Penal Code.
2. The first bail application was dismissed on merit on 24.06.2016, second bail application was dismissed on 07.11.2016 for want of prosecution, third bail application was dismissed on merit on 24.03.2017, fourth bail application was dismissed on merit on 12.07.2017 and fifth bail application was dismissed on 24.11.2017.
3. Case of the prosecution, in brief, is that the applicant being working in the Nagrik Aapurti Nigam i.e. Civil Supplies and posted at Head Quarter, Raipur, as Manager and was In-charge of 27 Districts for supply of Public Distribution System had misappropriated the government paddy which was meant for Public Distribution System and in connivance with the other co-

accused in an organized manner received the amount from the different miller and also on the threat of cancellation of the milled rice received the amount from transporters. Further, it is stated that they collected the sub-standard broken rice and collected money from the transporters, on that account received the amount by arm twisting the millers. The said collected amount on different heads were accounted were being maintained separately which was seized. Thereby, the offence is committed.

4. Learned counsel for the applicant submits that since the similarly placed accused Kshir Sagar Patel has been extended bail from the Supreme Court on 22.09.2017 in SLP (Criminal) No.4304/2017 and the case of the present applicant is same, therefore, the applicant may also be released on bail.
5. Learned State counsel submits 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 co-ordinate Bench of this Court, I am not inclined to allow this bail application as the institutional parity in orders must exist. Accordingly, the repeat bail application is dismissed.

Sd/-
(Goutam Bhaduri)
Judge