

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1636 of 2018

- Sudarshan Sethi S/o Late Raghu Sethi Aged About 51 Years R/o- Quator No. 131 Mines Colony, Bishrampur Ara, Bishrampur, District- Surajpur, Chhattisgarh., District : Surajpur, Chhattisgarh

---- Applicant

Versus

- Central Bureau Of Investigation Through- Spe Cbi Anti Corruption Beauru, Bhilai, Chhattisgarh., District : Durg, Chhattisgarh

---- Respondent

For Applicant	:	Mr. Somya Rai, Advocate.
For Respondent-CBI	:	Mr. Pawan Kesharwani, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

20/06/2018

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with R.C. No.1242014007 registered at Police Station– SP, CBI, ACB, District– Bhilai (C.G.) for the offence punishable under Sections 420, 409 of the Indian Penal Code read with Section 13(1)(d) &13(2) of the Prevention of Corruption Act.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. He was made a “scapegoat” to save other employees, who were actually involved in the commission of offence. In the present development of things, 48 witnesses have been examined, none of them has given any statement against this applicant. The trial is getting delayed, hence, it

is prayed that applicant be released on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that the trial itself is going to conclude in short period of time and this Court cannot appreciate and give finding about presence or absence of evidence on the basis of the depositions of the witnesses before the trial Court. The First bail application has been rejected on merits, hence, this applicant is not entitled for grant of bail.
4. Heard both the parties and perused the case diary.
5. This applicant was working as a weigh bridge Clerk and the allegation against him is this, that while within his charge he connived and accepted duplicate and forged transport papers, on the basis of which illegal transportation of coal was made in order to cause loss to SECL.
6. Previous application MCRC No.5166/17 has been decided and rejected by this Court vide order dated 3.11.2017 on merits.
7. Perused the certified copies of the deposition of the witnesses filed in support of the application. As these witnesses have not been declared hostile hence, appreciation of evidence to find out scope for grant of bail to this applicant is not permissible in law as that will amount to usurping the jurisdiction of the trial Court. Hence, I am not inclined to grant bail to this applicant.
8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is rejected.

Sd/-

(Rajendra Chandra Singh Samant)
Judge