

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 689 of 2018

- R.B.Dewangan S/o M. L. Dewangan Aged About 53 Years R/o Shahid Chowk Dallirajhara, District Balod Chhattisgarh, District : Balod, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Anti Corruption Bureau, Raipur District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Respondent

For Applicant : Mr. Kishore Bhaduri & Mr. Pawan Kesharwani,
Advocates.
For Respondent : Mr. Anupam Dubey, Dy. Govt. Advocate.

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

03/08/2018

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.29/2017 registered at Police Station - ACB, District – Raipur (C.G.), for the offence punishable under Sections 7, 8, 13 (1) (d) & 13 (2) of the Prevention of Corruption Act, 1988 and Section 120-B of the Indian Penal Code.
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. Complainant Manish Thakur is the employee of Manohar Gyanchandani with whom the applicant is

having previous enmity. Number of complaints were presented by Manohar Gyanchandani against the applicant and applicant has also made complaint against said Manohar Gyanchandani. Apart from this, according to FIR lodged in this case and the statement given by Manish Thakur the demand of bribe was made by co-accused Syed Arif Iqbal and not by this applicant. Consequently recovery of the currency note has not been made at the instance or in possession of the applicant but the same was recovered from an envelope which was found under the table of applicant. Presently charge-sheet has been filed and the applicant is ready to face the trial. So far, the applicant has not been placed under suspension and he is appearing on his duty as usual. It is also submitted that co-accused Syed Arif Iqbal has been admitted to regular bail by this Court, hence, it is prayed that this applicant may also be benefited with grant of anticipatory bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that according to transcript of audio recording recorded at the time of the trap it is very clear that when the complainant approached the applicant for giving him the bribe it was the applicant himself who instructed him to keep the currency note under his table in an envelope. The applicant did not co-operate with the ACB team because of which his hands could not be washed in the solution of sodium carbonate. Which shows his involvement in the crime. Hence, he is not entitled for grant of anticipatory bail.
4. Heard both the parties and perused the case diary.
5. A complaint has been made by complainant Manish Thakur before ACB, Raipur alleging in it that co-accused Syed Arif Iqbal who is

posted in the office of SDM at Durg is demanding bribe of Rs.11,000/- for issuing a solvency certificate in his favour. On the basis of this complaint, a trap was organized and on the spot when the complainant gave bribe of Rs.11,000/- to Syed Arif Iqbal, he kept Rs.1,000/- in his pocket and returned the remaining amount to the complainant with an instruction to hand over the same to this applicant. It is alleged that applicant instructed the complainant to keep the amount on his table in an envelope. Thereafter, the trap party rushed to the spot and carried out the trap proceeding.

6. Considered on all the material present in the case diary, looking to the facts available in the charge sheet, it appears that arrest of applicant at this stage would not serve any purpose and further considering that the applicant is a public servant, he was not arrested by the police in the course of investigation, he has not been placed under suspension so far, for these reasons, I am of this opinion that applicant should be granted anticipatory bail.
7. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions :
 - (i) that the applicant shall make himself available for interrogation before the investigating officer as and when required;
 - (ii) that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with

the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;

- (iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicant shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Nisha