

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5258 of 2018

Kundan Kumar Banjare, S/o. Kamta Prasad Banjare, Aged About 38 Years, R/o. Village Bhothali, Post Fardfoud, Tahsil- Arang, District- Raipur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through- Station House Officer, P.S.- E.O.W/ Anti-Corruption Bureau, District- Raipur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Y.C.Sharma, Advocate

For Respondent : Mr. D.R.Minj, Dy. Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

28.08.2018

1. This is the fourth 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.47/2016 registered at Police Station- EOW/ACB Raipur (C.G.) for the offence punishable under Section 13(1)(e) & Section 13(2) of Prevention of Corruption Act, 1988 & Section 109, 120B of Indian Penal Code. The first bail application was dismissed on merit on 16.06.2017, second bail application was dismissed on merit on 05.10.2017 and the third bail application was dismissed on merit on 24.04.2018.
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. Learned counsel for the applicant submits that the applicant is in jail since 03.05.2017 and more than one year has been lapsed and still the trial is not concluded. He further submits that the minimum sentence has already been suffered by the applicant, therefore, the applicant may be released on bail.
4. State counsel was directed to seek instruction. He submits that out of 53 witnesses 49 witnesses have already been examined.
5. Perused of the earlier bail rejection orders. Considering the fact that the trial is at the fag end and the earlier bail applications have been dismissed on merit and lastly within a short span of time on 24.03.2018, I am not inclined to allow this fourth bail application.
6. Accordingly, the fourth bail application filed under Section 439 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge