

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No.5526 of 2018**

Yadunandan Rathore, aged about 40 years, S/o Late Nutan Ram Rathore,
resident of F-17, Officers Colony, Rudri, Dhamtari, Chhattisgarh

---- Applicant

versus

State of Chhattisgarh through the Anti Corruption Bureau, District Raipur,
Chhattisgarh

---- Respondent

For Applicant	:	Shri B.P. Sharma, Advocate
For Respondent	:	Shri Anil Pandey, Government Advocate

Hon'ble Shri Justice Arvind Singh Chandel**Order on Board****27.8.2018**

1. This is the first 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.12 of 2018 registered at Police Station Anti Corruption Bureau, Raipur for offence punishable under Sections 7, 13(1)(d) and 13(2) of the Prevention of Corruption Act, 1988.
2. The prosecution case, in brief, is that at the relevant time, the Applicant was working as a District Excise Officer and was posted at Dhamtari. The Complainant had an under-construction house at Danitola in which a wine shop of the Government was being run on a rent of Rs.1,20,000/- per month. Out of the said rent, the Applicant had demanded Rs.25,000/- per month as commission. On the basis of a report of the Complainant, the Applicant was trapped on 2.7.2018 and tainted money of Rs.25,000/- was recovered and seized from him.

3. Learned Counsel appearing for the Applicant submits that the Applicant has been falsely implicated in the case. He never demanded any money from the Complainant as bribe or commission nor was any tainted money recovered from his possession. From the evidence collected by the prosecution itself, it is clear that the tainted money was recovered from the diary which was kept on a table. The Applicant is in custody since 2.7.2018. Trial will take much more time. Therefore, he may be released on bail.
4. Learned Counsel appearing for the State opposes the prayer for bail.
5. I have heard Learned Counsel appearing for the parties and perused the entire case diary with due care.
6. Considering the entire facts and circumstances of the case, further considering that the tainted money was recovered from the diary which was kept on a table, without further commenting on merits of the case, I am inclined to release the Applicant on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the Applicant shall be released on bail on furnishing a personal bond in the sum of Rs.50,000/- with one solvent surety of the like sum to the satisfaction of the concerned Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
JUDGE