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HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 975 of 2018

- Ramkaran Kumhar S/o Shri Lusu Prasad Kumhar, Aged About 59 Years, Posted As Executive Engineer at Public Works Department, Jagdalpur, District- Bastar, Chhattisgarh. R/o- House No.19/16, Aamakherwa-2, Mahendragarh, District- Korea, Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---- Applicant

Versus

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

---- Non-applicant

MCRCA No. 1155 of 2018

- Dinesh Kumar Jain S/o Shri Satyapal Jain, Aged About 36 Years, R/o Shanti Nagar, Church Road, Jagdalpur, District - North Bastar, Kanker, Chhattisgarh., District : Bastar(Jagdalpur), Chhattisgarh

---- Applicant

Versus

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

---- Non-applicant

For Applicant – Shri Maneesh Sharma, Advocate (in MCRCA No.975 of 2018),
Shri Manoj Paranjpe, Advocate (in MCRCA No.1155 of 2018).

For Non-applicant/State – Shri Anupam Dubey, Deputy Govt. Advocate.

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

26-09-2018

1. As these two applications arise out of the same crime number, i.e. Crime No.15/2017, registered at Police Station Anti Corruption Bureau, Raipur, Distt. Raipur, Chhattisgarh for the offence under Section 13(1) E, 13(2) of Prevention of Corruption Act 1988 and Section 109, 120B, 193, 201 of the IPC, they are being decided by this common order.
2. These applications have been filed by the applicants for grant of anticipatory bail as they are apprehending their arrest in connection with aforesaid crime number and offence.
3. It is submitted by learned counsel for both the applicants that the applicants have been falsely implicated in this case without their being any

evidence against them. The fact of recovery of Rs.11 lakhs from applicant Ramkaran Kumhar (applicant in MCRCA No. 975 of 2018) was satisfactorily explained by him to the police in the statement given by him. Subsequent to which the matter was sent for examination and scrutiny of the Income Tax Department and the Income Tax Department also verifying the statement of applicant Ramkaran Kumhar and the explanation given by applicant Dinesh Kumar Jain (applicant in MCRCA No.1155 of 208) has dropped the matter. Without there being any ground or reason the offence have been registered against the applicants. Hence, it is prayed that the applicants may be benefited with grant of anticipatory bail.

4. Learned counsel for non-applicant/State opposes the applications submitting that there is evidence present in the case diary against both the applicants. Hence, the applications may be rejected.

5. Heard learned counsel for the parties and perused the case diary.

6. On 10-11-2015 applicant Ramkaran Kumhar was traveling on a vehicle from Jagdalpur to Raipur, he was stopped by the Crime Squad of Kanker and searched and he was found in possession of Rs.11 lakhs in cash. He gave statement that he was having money as it was given to him by applicant Dinesh Kumar Jain to give it to a person whom he called his brother in Raipur. After lodging of the FIR in Police Station Anti Corruption Bureau, it is alleged that the amount seized from applicant Ramkaran Kumhar is disproportionate assets. Hence, this case.

7. After due consideration on the entire material present in the case diary, as it appears that applicant Dinesh Kumar Jain has given all explanation which have been accepted by the Income Tax Department, I am of this opinion that these applicants should be benefited with grant of anticipatory bail.

8. Consequently, these anticipatory bail applications are allowed. It is directed that in the event of arrest of these applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them

on each of them executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer.

These applicants shall also abide by the following conditions :

- (i) that they shall make themselves available for interrogation before the investigating officer as and when required;
- (ii) that they 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 they shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge