

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 1017 of 2019

- Dipak Singh Namdeo S/o Shri Shivkumar Namdeo, aged about 40 years, Field Officer in District Antyavsayi Department Kabirdham, District Kabirdham (C.G.) Permanent Address- Shitla Ward, Kabir Para, Kabirdham, District-Kabirdham (C.G.)

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station- Anti Corruption Bureau, Raipur District Raipur (C.G.)

---- Respondent

For Applicant	: Mr. Dharmesh Shrivastava, Advocate.
For Respondent/State	: Mr. KK Dewangan, Dy. GA.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

27/02/2019

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime No. 03/2019, registered at Police Station – Anti Corruption Bureau, District- Raipur (C.G.) for the offence punishable under Section 7 of the Prevention of Corruption Act, 1988.
2. As per prosecution story, one Kamu Bega (complainant) was granted loan of Rs. 2,00,000/- for opening a shop and first installment of the said loan amount was already given to him. Allegedly, thereafter sum of Rs. 50,000/- has been demanded by the applicant for releasing the second and last installment of the loan amount i.e. Rs. 1,00,000/-. In this regard, a written complaint has been lodged by the complainant Kamu Bega on 09.01.2019. On the basis of said complainant, a raid was conducted on 18.01.2019 by Anti Corruption Bureau, Raipur (C.G.). As money demanded by the applicant, the bribe amount has been given by the complainant to the applicant i.e. Rs. 20,000/- which

has been seized from the possession of the present applicant. On the basis of above, offence has been registered against the applicant and he has been taken in custody on 18.01.2019.

3. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the case. From the sanctioned amount of Rs. 2,00,000/- Rs. 1,00,000/- has been paid to the complainant on 31.03.2018 and remaining amount of Rs. 1,00,000/- has been paid to him on 08.01.2019 as per annexure A-5. Since, the whole amount of loan has already been paid to the complainant, therefore, a question of bribe is suspicious. He further submits that on the basis of evidence collected by the prosecution demand and acceptance of bribe is *prima facie* not established. The applicant is in custody since 18.01.2019 and trial will take some time. Therefore, he may be released on bail.
4. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned Counsel for the parties and perused the case diary with due care.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that the applicant is in custody since 18.01.2019 and trial will likely to take some time, 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 executing a personal bond for a sum of Rs. 20,000/- with one solvent surety for the like amount to the satisfaction of the Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge

Shubham