

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case No. 1602 of 2019**

Jeetambar Patel S/o Late Bhagirathi Patel, Aged About 46 Years,
Caste - Aghariya, Occupation - Civil Contractor, R/o Village Risora,
Police Station Sariya, Tahsil Baramkela, District Raigarh, Chhattisgarh

---- Applicant**Versus**

State Of Chhattisgarh Through - Station House Officer, Police Station
Chakradhar Nagar, District Raigarh, Chhattisgarh

---- Respondent

For Applicant	:	Mr. Roop Naik, Advocate
For Respondent/State	:	Ms. Sunita Jain, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****28/03/2019**

This is the first bail application filed u/s 439 of Cr.P.C. for grant of bail to the applicant who is in jail since 25.02.2019 in connection with Crime No. 179/2016 registered at Police Station - Chakradhar Nagar, District Raigarh (CG) for the offence punishable under Sections 420, 467, 468, 471, 120-B of IPC and Sections 13(1), 13(2)-D of Prevention of Corruption Act.

2. The case of the prosecution is that the present applicant in connivance with other accused persons is said to have got contract from the State Govt. without publishing the same in the daily news papers.

3. Counsel for the applicant, at the outset, submits that there are in all 4 accused persons and 3 of them have already been granted bail. Two of them i.e. Sudhir Patel and Sukhlal Sahu have been granted bail by this Hon'ble High Court and co-accused Karan Singh Karsoliya has been granted

bail by the Hon'ble Supreme Court. Contention of the counsel for the applicant is that the present applicant's name is not reflected in the FIR but he has been made accused at the time of filing of the charge sheet. He submits that the allegations against the present applicant are identical to the allegations that have been levelled against co-accused Sudhir Patel and both of whom are contractors. Thus, prayed that the present applicant may also be released on bail on the ground of parity.

4. State counsel, on the contrary, opposing the bail application submits that the present applicant was one of the beneficiaries from the said tender which was finalized without there being any publication made in the news papers and therefore, the applicant does not deserve to be released on bail.

5. Having heard the contentions put forth on either side and on perusal of the record, considering the fact that the case of the applicant being identical to that of co-accused Sudhir Patel who has already been granted bail, moreover, the main accused namely Karn Singh Karsoliya who in fact is said to have awarded the contract to the present applicant has already been enlarged on bail by the Hon'ble Supreme Court vide order dated 10.10.2017 passed in Special Leave to Appeal No. 6013 of 2017, this Court is of the opinion that prima facie, a strong case for grant of bail has been made out.

6. Accordingly, the application for grant of bail is allowed. It is directed that the present Applicant will be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed.

**Sd/-
(P. Sam Koshy)
Judge**