

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3129 of 2019

1. Dr. Avinash Khare S/o R.P. Khare Aged About 41 Years R/o Dream City A/46, Khamtarai Road, Bilaspur (CG). Profession District Nodal Officer, PCPNDT, Bilaspur (CG)

---- Applicant

Versus

1. State Of Chhattisgarh Through Anti Corruption Bureau, Unit Bilaspur (CG)

---- Respondent

For Applicant	:	Mr. Manoj V Paranjpe, Advocate
For Respondent	:	Mr. Arun Shukla, Panel Lawyer

Hon'ble Smt. Justice Rajani Dubey

Order On Board

24/5/2019

1. This is first application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to applicant, who is in custody since 29.4.2019 in connection with Crime No.0/19 registered at Anti Corruption Bureau, Unit Bilaspur for the offence punishable under Sections 7 of the Prevention of Corruption Act, 1988.
2. As per the prosecution case, complainant lodged a complaint with Anti Corruption Bureau Unit, Bilaspur to the effect that applicant has demanded illegal gratification for discharging his official duty. Based on this complaint, a trap was organized and applicant was caught red handed.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated by complainant in crime in question on account of personal grudge. He further submits that no application for granting permission to establish and run computer topography scan

machine was pending with the applicant and therefore the question of demanding bribe did not arise at all. He further submits that applicant, who is physically handicapped person with disability of 55%, is suffering from various diseases including major cardiac & respiratory and is on continuous medication. The applicant is ready and willing to abide by all the conditions which may be imposed by this Court while granting bail. Hence, it is prayed that applicant may be enlarged on regular bail.

4. On the other hand, learned State Counsel opposes the prayer for grant of bail.
5. Having heard learned counsel for the parties and taking into consideration the facts and circumstances of case, particularly nature of allegation and fact that applicant is in jail since 29.4.2019, but without commenting anything on merits of case, I am inclined to release applicant on regular bail.
6. Accordingly, the application is allowed and it is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.50,000/- (Rupees Fifty Thousand only) with one surety in the like sum to the satisfaction of the trial Court concerned. He is directed to appear before the trial Court concerned on each and every date given by the said Court.
7. Certified copy as per rules.

Sd/-
(Rajani Dubey)
Vacation Judge

roshan/-