

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5766 of 2020**

- Aman, S/o Govindram Paliwal, Aged about 27 years, R/o Village Belha, PS Belha, District Bilaspur (C.G.), Permanent Address- House No. G-20, Nagar Nigam Colony, Kosabadi, Korba (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh, Through – Station House Officer, PS-ACB, District Bilaspur (C.G.)

---- Respondent

For Applicant	:	Mr. Achyut Tiwari, Advocate.
For Respondent/State	:	Mr. H.S. Ahluwalia, Dy. A.G.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****04/09/2020**

1. The accused/applicant has moved this first bail application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 28/2020 registered at Police Station- PS- A.C.B., District Bilaspur (C.G.) for the offence punishable under Section 7(A) of the Prevention of Corruption Act, 1988.
2. The prosecution story in brief is that, on 13.08.2020 under under Section 7(A) of the PC Act on receiving Rs. 20,000/- as bribe for construction of house under PM Awas Yojana. Lower Court neglected the fact that the present applicant is not a Government employee and no application under PM Awas Yojana filed by the complainant himself, hence the present applicant has not committed any offence.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that PC Act is applied to only Government servants, whereas the present applicant is working in a private company, hence provisions of PC Act will not be

attracted in the instant case. He next submits that the applicant is in jail since 13.08.2020, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.

4. On the other hand, counsel for the State opposes the bail application and submits that the allegation against the applicant is of serious in nature; therefore, no case is made out for grant of bail.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of applicant and further considering that the applicant is in jail since 13.08.2020, and the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.
7. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 50,000/- with one local surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court.

**Sd/-
(Rajani Dubey)
Judge**