

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5909 of 2019**

- Manoj Singh Thakur S/o Late Mohar Singh Thakur Aged About 57 Years
Posted As Superintendent Engineer, Urban Administration And Development
Department, Indravati Bhawan, Naya Raipur, District- Raipur, Chhattisgarh,
R/o House No. Sr. Mig- 285, Sector-2, Deendayal Upadhyay Nagar, Tahsil And
District- Raipur, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station- Anti
Corruption Bureau, Raipur, District- Raipur, Chhattisgarh

---- Respondent

For Applicant	:	Mr. Dharmesh Shrivastava, Advocate.
For State	:	Mr. Alok Bakshi, Additional A.G.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****12/02/2020**

Heard.

1. This is fifth bail application. Earlier fourth bail application was rejected by this Court.
2. The applicant moved this application for grant of regular bail in connection with Crime No.40/2015 registered at Police Station- Anti Corruption Bureau, Raipur, District-Raipur, C.G. for the offence under Sections 13 (1)(e) and 13(2) of the Prevention of Corruption Act, 1988 (for short 'the Act of 1988').
3. Learned counsel appearing for the applicant submits that this application has been moved by the applicant in exercise of liberty granted vide order dated 26.04.2019 wherein the applicant was granted liberty to revive application after four months if trial is not concluded. Learned counsel for the applicant submits that the applicant is undergoing trial for alleged commission of offence and he is in jail since 23.02.2018. The prosecution has cited as many as 108 witnesses and out of these, till date, only 34 witnesses have been examined. Therefore, it is argued that the trial is not likely to be concluded early. He further submits that in these circumstances, when the applicant has undergone almost 2 years of detention without trial concluded nor likely to be

concluded early, he may be granted bail.

4. Learned State Counsel, however, opposes prayer for grant of bail and submits that earlier the bail application was rejected taking into consideration the gravity of allegation against the applicant that he is facing prosecution for commission of offences under Sections 13 (1)(e) and 13 (2) of the Act of 1988 and it is alleged that through corrupt means, the applicant has amassed wealth more than Rs.71 lakhs. He would further submit that in the event of grant of bail, the applicant is likely to tamper with prosecution witnesses which may hamper the smooth progress of trial.
5. I have heard learned counsel for the parties.
6. The first application for grant of bail was rejected by this Court taking into consideration the nature and gravity of offence and the allegation that the applicant is involved in amassing disproportionate wealth to the extent of approximate Rs.71,22,771.64/-. This Court was of the view that looking to the nature of allegations, amount involved and the period of detention, that was not the stage of undue delay in trial and therefore, this Court was of the view that it was not a fit case for grant of bail at that stage. Later on, applicant repeated bail application on the ground that there has been delay. On 26.4.2019, this Court rejected the application for grant of bail though granting liberty to revive the same after four months, if trial is not concluded.
7. The submission that out of 108 witnesses, only 34 witnesses have been examined by now, has not been disputed by learned State Counsel and he submits that examination of 35th witness is in progress. He would submit that long cross-examinations are taking place. He would further submit that looking to the nature and gravity of allegations, merely because applicant has undergone about two years of imprisonment, applicant may not be granted bail. This contention cannot be accepted because the overriding consideration, at this stage, are that the applicant has remained in jail since 23.02.2018. Only 34 witnesses have been examined. That means, the trial is not likely to be concluded early. Moreover, this Court had granted opportunity to learned State Counsel to verify whether delay in trial is attributable to the applicant. Learned State Counsel is not in a position to state that applicant is indulged in delay tactics. Merely because cross-examination is long, it cannot be said that the applicant is trying to protract the trial.
8. Moreover, present is not a case where the offences are punishable with life

imprisonment. Therefore, taking into consideration the maximum sentence which could be awarded for alleged commission of offence, the period of detention of the applicant, which is almost two years and that the trial is not likely to be concluded early and also that no material is placed before the Court that in the event of grant of bail, the applicant is likely to tamper with prosecution witnesses or may flee away from justice, it would be appropriate to order release of the applicant on appropriate terms and conditions.

9. Accordingly, the bail application is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- along with two local sureties for the like amount to the satisfaction of the Trial Court on the condition that-

- a) He shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
- b) He shall not in any manner, tamper with the prosecution witnesses.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge