

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1153 of 2021

- Dr. Shrinarayan Gole S/o Late Shivnarayan Gole Aged About 43 Years R/o Rajiv Vihar, Near VIP City Colony Bilaspur, District Bilaspur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Ambikapur, District Surguja Chhattisgarh

---- Respondent

For Applicant	: Shri Akath Kumar Yadav, Advocate
For Respondent/State	: Shri Vimlesh Bajpai, GA

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

27.09.2021

1. This is an application under Section 438 of CrPC for grant of anticipatory bail to the applicant as he apprehends his arrest in connection with Crime No. 838 of 2021 registered at Police Station Ambikapur, District- Surguja, Chhattisgarh for commission of offense punishable under Section 7 of Prevention of Corruption Act, 1988.
2. Case of the prosecution, in brief, is that, on 27.05.2021, Yogendra Rajwade died on account of snake bite. Deceased was taken to Ambikapur Medical College for postmortem, where, applicant conducted postmortem. After conducting postmortem, applicant demanded Rs.50,000/- for handing over postmortem report to complainant. As complainant was a poor lady, she has initially handed over Rs.2,000/- to one Santosh Rajwade, Sweeper of that department on 28.05.2021. Complainant, again gave Rs.10,000/- to Santosh Rajwade, on 29.05.2021, which was kept in drawer of office table of applicant. Complainant came in contact with News Reporter and the incident of making payment on 29.06.2021 was recorded, and thereafter, report was lodged to the

concerned Police Station, based upon which, aforementioned crime was registered against applicant.

3. Applicant, apprehending his arrest, filed this anticipatory bail application after rejection of his application by the Court below.

4. Shri Akath Yadav, learned counsel for the applicant would submit that applicant joined service at Ambikapur Medical College only on 17.11.2020. He submits that as per allegation, demand and payment of money is against Santosh Rajwade, Sweeper, allegation of accepting money is also only against him. Applicant is Government Servant and has not made any demand as alleged against him. Hence, he may be enlarged on anticipatory bail.

5. On the other hand, Shri Vimlesh Bajpai, learned counsel for the State opposing the submissions of learned counsel for the applicant submits that there are specific allegations against applicant of accepting money through Santosh Rajwade, Sweeper of that department. He submits that after receiving complainant, preliminary enquiry was conducted by a team/Committee consisting of three doctors, constituted by the Department. Committee prepared a report in which it has come that Santosh Rajak, Sweeper has kept the amount received by him in drawer of office table of applicant. Upon putting specific query with respect to nature of allegation levelled against applicant, he stated that complaint has been registered by her brother. However, he further submits that report prepared by team of doctors in preliminary enquiry, it is not concluded that it is the applicant, who is involved in the commission of offence.

6. I have heard learned counsel for the parties.

7. Taking into consideration nature of allegations levelled against applicant; and also submissions made by learned counsel for the parties, without commenting anything on merits of case, I am inclined to grant anticipatory bail to the applicant.

8. Accordingly, the application is allowed and it is directed that in the event of arrest of applicant in connection with the crime in question, he shall be released on anticipatory bail by the Officer arresting him on his executing a personal bond in the sum of Rs.25,000/- (Rupees twenty-five thousand) with one surety in the like sum to the satisfaction of the concerned Arresting Officer. The applicant shall also abide by the following conditions:

- a) That the applicant shall make him/her available for interrogation before the Investigating Officer as and when required;
- b) That the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any Police Officer;
- c) That the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- d) That the applicant shall appear before the trial Court on each and every date given to him/her by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
JUDGE