

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case No.1841 of 2017**

- Farid Ahmed S/o Shri Vakil Ahmed Lal Aged About 54 Years Occupation Assistant Engineer Municipal Corporation Bilaspur. R/o Municipal Corporation Colony, Police Station Civil Lines Bilaspur, Chhattisgarh.

---- Applicant

**Versus**

- State Of Chhattisgarh Through Special Police Establishment, Lokayukt Office, Bilaspur, District Bilaspur, Chhattisgarh.

---- Respondent

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| For Applicant        | : Shri Sourabh Dangi, Advocate      |
| For Respondent/State | : Shri Ashok Swarnkar, Panel Lawyer |

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**Hon'ble Shri Justice Chandra Bhushan Bajpai****Order On Board****27.6.2017**

Heard the matter finally.

2. This is an application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No.31/2000 registered by the Investigating Agency, Special Police Establishment, Lokayukt Office, Bhopal (MP) thereafter State Bureau of Investigation of Economic Offences and Anti Corruption Bureau, Chhattisgarh at Raipur for the offence punishable under Sections 13(1)e and 13(2) of Prevention of Corruption Act, 1988 (for short 'the Act of 1988').

3. Learned counsel for the applicant submits that the applicant has been arrested on 03.3.2017 and the date of incident is 28.02.2000. After investigation, police has filed charge sheet against

the applicant on 27.10.2016 before Special Judge under the Act 1988, Bilaspur (CG). The applicant is in custody since three months and twenty four days. As per allegation, disproportionate property worth Rs.6,30,801/- was found during investigation from his known source of income and charge sheet has been filed for the said amount. It is submitted on behalf of the applicant that the incident is about 17 years 4 months old. The applicant is in custody since long, he is Asst. Engineer under suspension working with Municipal Corporation Bilaspur (CG), he is the permanent resident of Bilaspur. The Investigating agency has not considered the agricultural income of Rs.3,70,446/- shown by the applicant in the challan, also during investigation, the agency has not considered any further facts regarding explanation of property that it is within the proportion. He further submits that the agency wrongly deducted 60% towards house hold expenditure. As a settled law, the agency has to deduct 1/3rd towards house hold expenditure. The offence is not punishable for life imprisonment, the applicant will follow the directions of the court regarding his cooperation and will appear before the trial Court as and when required, the applicant was in service in the department since 1985 till his suspension. The trial may take sometime, hence, the applicant may be granted bail.

**4.** Per contra , learned counsel for the State opposes the bail application and would submit that the applicant failed to demonstrate source of remaining property worth Rs.6,30,801/- and with this the agency prima facie held that the said property is disproportionate. Hence, looking to the facts surfaced in the charge sheet, the instant application may be dismissed

5. Perused the entire material.

6. On due consideration of the fact that the applicant in jail for three months and twenty four days, the incident is about 17 years and four months old, the trial may take sometime for its conclusion, prima facie for the purpose of consideration of the bail application there is no material to demonstrate as to why the investigating agency had not taken the agricultural income of Rs.3,70,546/-as shown in the challan and also there is no any prima facie material to reject the prayer of the applicant during investigation that his property was hypothetically calculated in many heads and without any foundation of facts. Looking to the entire facts, I am inclined to grant one opportunity to the applicant, so that he shall not commit any similar or other offence in future.

7. Accordingly, bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that the applicant shall be released on bail on furnishing a personal bond in the sum of Rs.1,00,000/- with two solvent sureties of Rs.50,000/- to the satisfaction of the Special Judge under the Act, 1988, Bilaspur (CG) for his appearance before the said Court as and when directed.

9. It is made clear that this order granting bail to the applicant shall stand cancelled automatically without reference to the Bench by the Court below if (i) the trial Court finds that the applicant suppressed filing or pendency of any other application for grant of bail before this Court or the Hon'ble Apex Court intentionally; (ii) the applicant does not cooperate in the trial; (iii) the applicant is found to

be involved in any offence of the like nature; and (iv) the trial Court finds that the applicant remains absent without any sufficient and cogent reason. If bail is cancelled automatically in view of the above, the Court below may proceed further under the provisions of law, under intimation.

Certified copy as per rules.

Sd/-  
**(Chandra Bhushan Bajpai)**  
**JUDGE**

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