

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 3972 of 2017**

- Kishan Tandan Son Of Shri Ramkhilawan Tandan, Aged About 52 Years R/o Village Masturi, P.S. And Tahsil Masturi, District Bilaspur, At Present Deputy Director Rajya Stariy Sansadhan Kendra Mahila Awam Bal Vikas Vibhag Vinayaka Vihar D. D. Nagar Raipur ( Chhattisgarh)

---- Applicant

**Versus**

- State Of Chhattisgarh Through: Superintendent Of Police, Anti Corruption Bureau, Raipur ( Chhattisgarh)

---- Non-Applicant

---

For Applicant : Shri M.K. Bhaduri, Advocate.

For Non-Applicant : Shri Adhiraj Surana, Deputy Govt. Advocate.

---

**Hon'ble Shri Justice Prashant Kumar Mishra****Order On Board****23/11/2017**

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.36/2015, registered at Police Station : Anti Corruption Bureau, Raipur for offence under Sections 13 (1)(e) and 13 (2) of the Prevention of Corruption Act, 1988.
2. According to the prosecution, while working as District Women and Child Development Officer, the applicant has acquired the properties the value of which is disproportionate to his known source of income and has thus committed the offence under the aforesaid sections.
3. It is stated in the final report that during the relevant period, expenditure in amassing the property by the applicant is at Rs.2.22 crores approximately whereas income of the applicant, his wife and his sons

from their known source is at Rs.1.10 crores approximately and this is the value of the disproportionate income which the applicant has amassed during his service career.

4. From the material available, it appears that the applicant was appointed as Patwari and thereafter as Assistant Statistical Officer and thereafter District Women and Child Development Officer. On each occasion, he was selected either by the Government or by the Public Service Commission.
5. Learned counsel for the applicant would state that the Investigating Agency has calculated the value of the property on the basis of present market rate rather than calculating the same on the basis of value shown in the sale deed or any other instrument by which the property has been acquired. He would submit that except for the plot ad measuring 2000 sq. ft. in Purana Raipur and another plot ad measuring 2000 sq. ft. at Sakri, Bilaspur, all other landed properties have been purchased in rural areas of Masturi or Shivrinarayan. Therefore, it is not a case where the applicant has led luxurious life and has spent huge amount in procuring the properties. It is also argued that earlier the applicant was living in joint family and some of the properties were purchased from the income of the joint family property as also from the income earned by his major sons by doing their own profession of supplying building material, vehicle hiring services etc. It is also submitted that the applicant is in jail since 15<sup>th</sup> May, 2017 and the charge sheet has already been filed.
6. Learned State Counsel would oppose the prayer for grant of bail on submission that the applicant has amassed huge properties disproportionate to his known source of income and value of the property is not assessed on the present market rate but value of acquisition has been made basis for calculating the disproportionate assets.
7. Considering the entire fact situation of the case, particularly for the fact that the applicant is in jail since 15<sup>th</sup> May, 2017; he is a Government

servant and there is no likelihood of his absconsion and his non-appearance during course of trial, as also for the reason that charge sheet has already been filed, this Court is inclined to release the applicant on bail.

8. Accordingly, the application is allowed and the applicant is directed to be released on bail on his executing a personal bond for a sum of Rs.25,000/- with one surety for the like amount to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.

Sd/-  
**Judge**  
(Prashant Kumar Mishra)

Barve