

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5838 of 2017**

Vinod Kumar Tamboli S/o Late Samelal @ Kishunlal Tamboli, Aged About 59 Years P.H.No.23, Tifra, Sitafar, Bhartiya Nagar, Bilaspur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Police Station Anti Corruption Bureau Bilaspur, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri B.P. Sharma and Shri M.L. Saket, Advocates.
For the Respondent/State	:	Shri O.P. Sahu, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****12.12.2017**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 42 of 2014, registered at Police Station Anti Corruption Bureau, Bilaspur, District Bilaspur, Chhattisgarh for the offence punishable under Sections 13(1)(e) and 13(2) of the Prevention of Corruption Act, 1988.

2. Learned counsel for the applicant submits that the applicant is in jail since 4.8.2017 and he has been falsely implicated in this case. He is a public servant placed under suspension and he was working as a Patwari before he was arrested and charge-sheeted. It is submitted that although the prosecution has charged the applicant for having in his possession the disproportionate assets and he has explanation of each and every article

that has been taken into account by the ACB for prosecuting him falsely. The applicant is ready to abide by all the conditions that may be imposed on him. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that after the investigation it has been found that the applicant was in possession of disproportionate assets to the tune of 170.52% from what he had earned from lawful sources and through salary of his job and it is a clear case of criminal misconduct against the applicant. Hence, he is not entitled for grant of bail.

4. Heard counsel for both the parties and perused the case diary.

5. As per the case against the applicant, a raid was conducted on 30.9.2014 by the Anti Corruption Bureau and inventory of all the articles found in his residence and regarding his property was made. For the check period between 15.2.1981 to 30.9.2014, it was calculated that the applicant had received an income from lawful sources exactly Rs.66,82,318/- whereas he has spent Rs.1,81,65,450/- on various assets. Thus, the expenditure was excess of Rs.1,14,50,530/- which was invested in the name of his wife and other family members as benami property.

6. For the present, it appears that no purpose would be served if the applicant is kept continuously in detention for the whole period of trial and the conclusion of the trial is likely to take some time for its final disposal. Hence, for these reasons, this application is allowed.

7. Accordingly, the 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.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge