

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 7148 of 2017**

Krishna Kumar Chandrakar S/o Late Gendlal Chandrakar, Aged About 54 Years R/o House No. 15, Nagorao State, Prathivi Nagar, Mahoba Bazar, Raipur, Tahsil And District Raipur, Chhattisgarh. Posted At Registrar- Pandit Ravi Shankar University Raipur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through S.H.O. - P.S. Anti Corruption Bureau / E.O.W. Raipur, Chhattisgarh, District Raipur, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri H.B. Agrawal, Senior Advocate with Shri Hemant Gupta, Advocate.
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. 28 of 2016, registered at Police Station Anti Corruption Bureau/ EOW Unit, Raipur, District Raipur, 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 7.11.2017 and he has been falsely implicated in this case. The FIR against him was lodged on 8.4.2016. The applicant fully cooperated with the investigation and submitted all the details and documents as required from him to the ACB and he was never arrested by the respondent during the

pendency of investigation. The property that was found in possession of the applicant, his family members and the relatives have all been included without any basis. Apart from that, the calculation also has been made erroneously in accordance with the present market rate because of which the property in possession of the applicant is disproportionate to his lawful sources of income. The charge-sheet has been filed and there is no requirement of his detention for the purpose of investigation. 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 the residence of the applicant was raided on 8.4.2016 by the ACB and inventory of all the articles and property found in possession of the applicant in his residence was made. The investigation was done for the check period starting from 1.4.2002 to 9.4.2016 and it was found that the income from lawful sources was Rs.1,53,03,188/- whereas the expenditure made by the applicant was Rs.2,23,79,793/-. Thus, the expenditure was in excess to the tune of Rs.66,76,605/-. It was also found that the applicant has not informed the department about his acquisition of properties and as such, he has clearly misconducted according to the civil services rules which amounts to criminal misconduct. Hence, he is not entitled for grant of bail.

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

5. The case against the applicant is that he had been a public servant posted as Registrar in Pandit Ravishankar Shukla University, Raipur. During

this period, the raid was conducted and in the investigation disproportionate assets were found by the ACB.

6. Considering all the submissions and the contents of the case diary, it appears that the applicant had proposition to defend himself in the criminal case. For the present, it appears that no purpose would be served if the applicant was kept continuously in detention for the whole period of trial and apart from that he happens to be a public servant. Hence, for these reasons, I am of the considered view that this is a fit case where the applicant is entitled to be released on regular bail.

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