

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4031 of 2017**

G.C. Khandekar (Gyan Chand Khandekar) S/o Late Shri Ram Khandekar Aged About 59 Years R/o Rajkishore Nagar Seepat Road Lingiyadih Bilaspur Chhattisgarh C.E.O. Janpad Panchayat Manendragarh District Koriya Chhattisgarh.

---- Applicant**Versus**

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

---- Respondent

For the Applicant	:	Shri Mrigendra Singh, Senior Advocate with Shri Amit Kumar, Advocate.
For the Respondent/State	:	Shri Anil S. Pandey, Government Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****23.08.2017**

1. Heard on application under Section 439 of the Code of Criminal Procedure for grant of bail to the applicant.
2. Learned counsel for the applicant submits that the applicant is charge-sheeted and facing trial before the Court of Special Judge, (Prevention of Corruption Act), Bilaspur, Chhattisgarh for the offences under Section 13(1) (e) and 13(2) of the Prevention of Corruption Act, 1988. The First Information Report against the applicant was registered on 30.1.2006 and the charge-sheet has been filed against him after 10 long years in December, 2016. In connection of which, the applicant has been arrested on 28.5.2017. The applicant moved an application for bail before the Special Court, Bilaspur which has been rejected by order dated 29.5.2017.

3. Learned counsel for the applicant submits that the applicant is a Government Servant since last 35 years. On the allegation of amassing wealth and holding disproportionate assets, the Anti-Corruption Bureau has investigated the case and for the check period taken into account the legal income of the applicant was found to be Rs.22,18,586/- whereas the value of the property and the assets held by the applicant's family was found to be Rs.43,64,376/-. It is also submitted that despite submissions of all the information and the documents by the applicant, the Investigation Officer has not taken into account the income of the wife of the applicant who is also an income-tax payee and has different sources of income. However, the applicant also has income from ancestral property which has not been taken into account, hence, for these reasons, the applicant has a good case to defend and it is prayed that he may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application and submitted that the investigation has been done and the prosecution has a good case against the applicant, hence, he may not be enlarged on bail.

5. Perused the case diary.

6. Currently the case of the prosecution is under trial and as informed two witnesses have been examined by the trial Court, hence, it appears that the conclusion of the trial is going to take quite sometime. The applicant had been a Government Servant and presently placed under suspension. His availability before the trial Court can be regulated by imposing suitable conditions. Looking to the facts and circumstances of the case, this appears to be a fit case in which the applicant is entitled to be enlarged on 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 his furnishing a personal bond in the sum of Rs.1,00,000/- 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