

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2 of 2018

- Mithilesh Kumar Pandey S/o Late Keshav Prasad Pandey, Aged About 51 Years, R/o House No.266 Sunder Nagar, Police Station DD Nagar, Civil And Revenue District Raipur, Raipur Chhattisgarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Anti Corruption Bureau, Raipur District Raipur Chhattisgarh, Chhattisgarh

---- Non-applicant

For Applicant – Shri Arvind Shrivastava, Advocate.

For Non-applicant/State – Shri Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

14-03-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 14-12-2017 in connection with Crime No.37/2016 registered at P.S. - Anti Corruption Bureau Raipur, District Raipur, Chhattisgarh for the offence under Section 13(1)(e) read with Section 13(2) of the Prevention of Corruption Act, 1988.

2. It is submitted on behalf of the applicant, that the applicant has been falsely implicated in this case. He is being prosecuted for having in his possession disproportionate assets, whereas, he was never asked to explain his lawful source of income for the acquisition of the said assets, by the investigating officer. The applicant was never arrested during the period of the pendency of the investigation and he was summoned by the court after filing of the charge sheet and then he was taken into custody on 16-12-2017. There is all likelihood that trial of this case is likely to take a long time and the applicant is ready to abide by all the conditions to be imposed on grant of bail. Hence, it is prayed that the applicant may be released on bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that the applicant has amassed wealth illegally in capacity of a public servant during the check period and the assets found in his possession are approximately 227% of value over and above than the income he had from lawful sources. Hence, no case is made out for grant of bail.
4. Heard learned counsel for the parties and perused the case diary.
5. Economic Offences Wing, State of Chhattisgarh has raided the premises of this applicant and made an inventory on finding assets in possession of this applicant. The case has been investigated, according to which, the applicant had lawful income Rs.64,24,203/- during the check period between 01-03-2006 to 23-04-2016, whereas, he had assets in his possession of worth Rs.2,21,82,488/- which was 227% in excess from his lawful source of income. Hence, this case.
6. Considered on the material present in the case diary and it is certain that the trial in such a case is going to take a considerable long time, there is no requirement of any custodial interrogation or any investigation to be done for which the applicant would be required to be detained in jail, hence, for these reasons I am of this view that the applicant should be released on bail during pendency of the trial against him.
7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.
8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge