

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1052 of 2017

- Shubhnarayan Pathak S/o Late Narsingh Pathak, Aged About 60 Years
R/o Devnandan Nagar, Phase-1 Sarkanda, Tehsil And District Bilaspur,
Chhattisgarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Rajya Arthik Aparaadh
Investigation/ Anti Corruption Bureau, District Raipur, Chhattisgarh,
Chhattisgarh

---- Respondent

For Applicant : Mr. Promod Kumar Verma, Sr. Advocate
along with Mr. Virendra Verma, Advocate.

For Respondent : Mr. Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

16/03/2018

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.24/2016 registered at Police Station - Anti Corruption Bureau District – Raipur(C.G.), for the offence punishable under Sections 13 (1) (e) & 13 (2) of the Prevention of Corruption Act, 1988.
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. A case of disproportionate assets has been registered against this applicant but fair investigation has not been carried out by the Investigation Authority, although applicant has submitted all the details and given complete explanation in respect of the assets entered in the inventory made by the Investigation Officer, despite that the assets of the wife and other

relatives of this applicant have been included showing that all such assets have been acquired by this applicant in illegal and corrupt manner. It is submitted that raid was conducted on 8.4.2016 and charge-sheet was filed on 8.11.2017. During the period of whole investigation, this applicant was always available, but he was neither arrested nor was placed under suspension by the department. Applicant is ready to abide by all the conditions and directions, which may be imposed while granting bail to him. Applicant wishes to face the trial and prove his innocence, hence, it is prayed that applicant be enlarged on anticipatory bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that according to the investigation, applicant while being posted as Executive Engineer, Pradhanantri Gramin Sadak Yojana in Gramin Vikas Abhikaran Pariyojana Mandal (PMGSY), Bilaspur has earned wealth which is disproportionate to his known and legal sources of income. According to the investigation made, the assets found in possession of the applicant is 473.92% disproportionate to his known sources of income. Charge-sheet has already been filed. Applicant has option to surrender before the concerned Court. In these circumstances, no case is made out for grant of bail.
4. Heard both the parties and perused the case diary.
5. A raid was conducted on 9.4.2016 by the ACB, Raipur, an inventory was prepared of all the articles and documents found in possession of this applicant. During investigation, it was found that income from known and legal sources of this applicant was Rs.78,13,587/- whereas he was found to be in possession of the assets worth Rs.4,55,53,711/-

which was disproportionate to the tune of 473.92% and on that basis charge-sheet has been filed after obtaining legal sanction from the State Government.

6. After the completion of investigation, there does not appear any reason for any custodial interrogation and or any other investigation for which the detention of this applicant may be necessary. Further, this applicant though available all the time when the investigation was pending but he was never arrested by the Investigating Agency. The purpose of bail is only to secure presence of the applicant/accused before the trial Court during the trial against him. This applicant is a public servant and still he has not been placed under suspension. Hence, for the aforesaid reasons, I am of the view that this applicant should be benefited with grant of anticipatory bail.
7. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions :
 - (i) that the applicant shall make himself available for interrogation before the investigating officer as and when required;
 - (ii) that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
 - (iii) that the applicant shall not act, in any manner, which will be

prejudicial to fair and expeditious trial; and

- (iv) that the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha