

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 726 of 2018

- Ramlal Jagne S/o Hiraram Jagne, Aged About 65 Years, R/o House No. A-4 Amaltashpuram, Gokulpur Dhamtari Chhattisgarh, District : Dhamtari, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer PS Economic Offences Wing/Anti Corruption Bureau, Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Non-applicant

For Applicant – Mr. Kanak Tiwari, Senior Advocate with Ms. Richa Shukla, Mr. Apurv Goyal and Mr. Faiz Kazi, Advocates along with the applicant in person.

For Non-applicant/State – Shri Anupam Dubey, Deputy Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order on Board

09-04-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application under Section 439 of the Cr.P.C. filed by the applicant before this Court for grant of regular bail. The applicant has been arrested on 10-01-2018 in connection with Crime No.08/2009 registered at P.S. Economic Offences Wing/Anti Corruption Bureau, Raipur, Chhattisgarh for the offence under Section 13(1)(e) read with Section 13(2) of Prevention of Corruption Act, 1988.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. The FIR was lodged on 24-03-2009, whereas the search of the premises was made by the Economic Offences Wing Raipur on 27-03-2009. Subsequent to that investigation went on till 2016, but the applicant was never arrested in between. In the meanwhile, this applicant moved an application for anticipatory bail, but while the same was pending this applicant was arrested on 10-01-2018. On account of the death of father of the applicant, an application was made for temporary bail and that was allowed by this Court on 20-02-2018 and subsequent to that, this applicant is on

temporary bail and that temporary bail has been extended till date.

It is submitted that during pendency of the investigation against the applicant, W.P.(Cr.) No.96/2015 was filed which was disposed of vide order dated 18-06-2015 giving direction to the respondent authorities to consider on the documents about the income tax returns filed by the applicant and his family members. Subsequent to that, the charge sheet was filed on 09-11-2016 without complying with the orders passed by this Court in W.P.(Cr.) No.96/2015. This fact is disclosed from the date of preparation of Challan entered by the Investigating Officer as 27-04-2015, which itself shows that subsequent to the order of this Court in W.P.(Cr.) No.96/2015 dated 18-06-2015 no compliance has been made thereof. This fact has also been observed by this Court in Criminal Revision No.240/2018 filed against the framing of charge against this applicant, wherein the order of framing of the charges against this applicant has been set aside. It is further submitted that the trial against this applicant is likely to take considerable time before it is concluded and disposed off. Hence, looking to all the development and also the fact that the applicant had always been obedience to the orders passed by this Court, the applicant may be enlarged on bail.

3. Learned counsel for the State/non-applicant while opposing the application submits that according to the investigation made between the check period from January 1999 to 27-03-2009, the income from lawful source of the applicant was Rs.1,04,97, 677/-, whereas the expenditure made by him was found to be Rs.2,84,53,520/-, thus, the assets in possession of the applicant were disproportionate to the tune of 171.04%. Hence, it is a case where the applicant amassed huge amount misusing his position as public servant. Therefore, he is not entitled for grant of bail.

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

5. The case against the applicant is briefly discussed hereinabove.

6. Considered on the submissions made and contents of the case diary.

7. The applicant was serving as Forest Ranger in the year 1999, subsequently he was raised to the position of Range Officer in the year 2009, when the FIR was lodged and subsequent to that the investigation has been made. The findings in the investigation had been discussed in the submissions made hereinabove.

8. After considering on the entire material that is present in the case diary and also the documents that have been referred in this Court especially the orders passed by this Court in W.P.(Cr.) No.96/2015 and Criminal Revision No.240/2018 and the facts that the case is still before the trial Court to consider whether a prima facie case is made out against the applicant for framing of charges against him or not, there is all likelihood that the trial of this case is going to take a long time before its conclusion, the applicant has not misused the liberty during pendency of the investigation against him, I am of this view that the applicant should be released on regular bail during pendency of the trial against him.

9. 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.1,00,000/- with one surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.

10. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge