

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRCA No. 1079 of 2017**

- Chandrakant Manik, aged about 53 years, S/o late Rampado (R.P.) Manik, R/o Rajkishor Nagar, Phase 1, Sector B, District- Bilaspur (Chhattisgarh).

---- Applicant

**Versus**

- State of Chhattisgarh Through: Station House Officer PS Anti Corruption Bureau, bilaspur (Chhattisgarh).

---- Non-applicant

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For Applicant :Mr. Varun Sharma, Advocate with Mr. Sanjay Agrawal,  
Advocate.

For State :Mr. Anupam Dubey, Dy. Govt. Advocate.  
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**Hon'ble Shri Justice Rajendra Chandra Singh Samant**  
**Order On Board**

**06/04/2018**

1. Heard.
2. Applicant has filed this bail application under Section 438 of the Cr.P.C. apprehending his arrest in connection with Crime No. 53/2010 Registered at Police Station- Anti Corruption Bureau, Bilaspur, District Bijapur (C.G.), for the offence punishable under Sections 13(1) (e) R/W 13(2) of the Prevention of Corruption Act, 1988.
3. Learned counsel for applicant submits that applicant has been falsely implicated in this case only for the reason that he is working as sub-engineer at Municipal Corporation, Bilaspur. On 25.11.2010 his premises was raided by S.P. Bilaspur and on the same day FIR was lodged against him. The investigation continued for 7 years and the

charge-sheet has been filed on 04.09.2017 without giving any information to this applicant. The Anti-Corruption Bureau never attempted to arrest this applicant and this applicant on all occasions has cooperated with the investigation that has taken place. When the arrest warrant was issued by the concerned Court, this applicant filed a petition i.e. WPCR No. 418/2017, in which interim protection has been granted to him by order dated 12.10.2017. Applicant is ready to face the trial for defending his case, hence looking to the apprehension of his arrest, it is prayed that applicant be extended the benefit of Section 438 of the Code of Criminal Procedure.

4. On the other hand, learned State counsel opposes the bail application and submits that applicant has amassed wealth during the tenure of his service within the check period 05/09/2002 to 23.11.2010. The income of applicant from legal and lawful sources was 28,86,440/- whereas his expenditure found to be Rs. 1,21,09,530/-, hence, he is not entitled for grant of anticipatory bail.
5. Heard both the parties and perused the case diary.
6. Applicant is a public servant and the case against him is discussed in the submissions made hereinabove. At present the investigation is complete and there is no requirement of any custodial interrogation, therefore, I am of this view that applicant should be extended the benefit of Section 438 of the Cr.P.C.
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 executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial

Court. The applicant shall also abide by the following conditions :

- (i) that the applicant shall make herself 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