

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 170 of 2018**

Gulam Mohammad S/o Late Peer Mohammad Aged About 64 Years Retired Assistant Food Officer Bilaspur R/o Indra Colony Near Water Tank Bilaspur Tahsil And District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh.

---- Applicant**Versus**

The State Of Chhattisgarh Through Arakshi Kendra Economic Crime Investigation Bureau Raipur District Raipur Chhattisgarh, District : Raipur, Chhattisgarh.

---- Respondent

For the Applicant : Shri S.C. Verma, Advocate.
For the Respondent/ State : Shri Anil S. Pandey, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****11.05.2018**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.

2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicant who is apprehending arrest in connection with Crime No. 33 of 2016 registered at police station Economic Crime Investigation Bureau, Raipur, District Raipur, Chhattisgarh for the offence punishable under Sections 13(1)(e) and 13(2) of the Prevention of Corruption Act, 1988.

3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case. The applicant has submitted the explanation regarding the assets that have been included in the inventory made by the

respondent in this case. The FIR was lodged on 22.4.2016 and the raid was also conducted in the same day but till date the investigation has not been completed. Neither this applicant was arrested nor placed under suspension by the department which shows that there is no requirement of any custodial interrogation. Apart from that, the applicant is a heart patient and has undergone surgery twice. Hence, it is prayed that the applicant be benefited with grant of anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that the investigation is still going on and there is allegation against the applicant regarding amassing huge wealth and purchase of landed property of great worth. The contents of the case-diary show that the applicant will be prosecuted in the near future. Hence, the applicant is not entitled for grant of anticipatory bail.

5. Heard counsel for both the parties and perused the case diary.

6. As per the prosecution case on the basis of the confidential information, FIR was registered on 22.4.2016 and the raid was conducted on the same day. From the articles and papers found in the residence of this applicant it has been found that this applicant had made purchase of lands situated in places of commercial importance which are of huge worth, in the name of his family members and *prima facie* it appears that the wealth amassed by this applicant is disproportionate to his income from lawful sources. On that basis, the investigation is going on.

7. Since it is about more than two years the investigation is in progress and yet not complete, the applicant is presently a retired public servant and there is no likelihood of his absconsion and it almost appears that there is no requirement of any custodial investigation, I am of the view that the applicant should be benefited with grant of anticipatory bail.

8. 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 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 them 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