

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1695 of 2018

- Satish Kumar Kaiwarth S/o Late D. Mayaram Kaiwarth Aged About 48 Years Posted As Juniour Technical Assistant, Nagrik Aapurti Nigam, Jagdalpur, R/o New Shanti Nagar, Near Durga Mandir, Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Superintendent Of Police, Economic Offence Wing/anti-Corruption Bureau, Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondent

For Applicant	:	Mr. Aditya Tiwari, Advocate.
For Respondent/State	:	Mr. Anupam Dubey, Dy. Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

27/04/2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.16/2015, registered at Police Station- Economic Offence Wing/Anti Corruption Bureau, Raipur Branch, 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 the applicant submits that the applicant has falsely been implicated in this case. Applicant is in jail since 12.2.2015 and thereby completed more than 3 years in detention. After completion of investigation, charge-sheet has been filed. Another case was also registered against this applicant, in which, he has been granted bail by

the Supreme Court, hence, no purpose would be served if the applicant is kept in detention till the conclusion of trial, hence, it is prayed that he may be enlarged on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that as per investigation done in this case, this applicant had been Junior Technical Assistant in Nagrik Apurti Nigam. During the check period from 25.5.2003 to 12.2.2015. The income of applicant from lawful sources was Rs.32,57,446/- whereas the expenditure was found to be Rs.1,11,66,065/- and thus the property in his possession was disproportionate to the tune of 243%, hence, looking to the facts in this case he is not entitled for grant of regular bail.
4. Heard both the parties and perused the case diary.
5. Taking into consideration the prosecution case, briefly discussed above in the submissions made by counsel for the parties, and the fact that the charge sheet has already been filed before the trial Court and the trial is likely to some more time for its final disposal, I feel inclined to grant anticipatory bail to the applicant.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha