

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 1646 of 2018**

Riyajuddin Khan, S/o. S.D. Khan, Aged About 67 Years, R/o. Behind NCC Office Near Gudakhu Factory Kota, Raipur P.S.- Tahsil and District- Raipur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through- State ACB, ACB Office Raipur, District- Raipur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Sumit Jhanwar, Advocate

For State/respondent : Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**11/04/2018**

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.43/2015, registered at Police Station – State ACB, Office -Raipur, District – Raipur (C.G.), for the offence punishable under Section 420, 467, 478, 471 of the Indian Penal Code and Section 13 (1) (e), 13 (2) of Prevention of Corruption Act, 1988.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. Applicant is a retired public servant. The FIR against him was lodged by the respondent on

17.07.2015 and thereafter, the raid was conducted on 20.07.2015. The investigation remained pending for about more than two and half years, but during this period this applicant cooperated with the investigation and he was never arrested by the investigation agency. Charge-sheet was filed before the concerned Court without any intimation to this applicant and subsequent to that this applicant was arrested on 03.02.2018 and detained in jail. Trial of the case against the applicant is likely to take considerable time, applicant is old aged person suffering from ailment, hence, it is prayed that he may be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that applicant was holding the post of Deputy Director, Agriculture department posted in Gariyaband. During the check period between 01.04.2006 to 20.07.2015, the income from the lawful source of this applicant is Rs.1,09,74,078/-, whereas his expenditure is Rs.4,11,13,066/-, thus assets in his possession were disproportionate to the tune of 369%, hence, he is not entitled for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. The case of the prosecution against the applicant is briefly discussed herein above.
6. Considered on the submissions made and the contents of the case diary. Presently, the applicant is retired public servant and the case is before the trial Court, in which the trial is to commence. Looking to the nature of this case, it is apparent that trial of this case is likely to take

considerable time for its conclusion, hence, no purpose would be served, if the, applicant is kept in detention, hence for this reason, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge