

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 326 of 2018

- Shankar Das S/o Baliram Das, Aged About 52 Years, Forest Range Officer, R/o Pandripali, Police Station Narharpur, District Kanker Chhattisgarh, District : Kanker, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh through the Incharge, Anti Corruption Bureau, Raipur District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Non-applicant

For Applicant – Shri Manoj Paranjpe and Shri Goutam Khetrapal, Advocates.
For Non-applicant/State – Shri Anupam Dubey, Deputy Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

18-05-2018

1. Apprehending arrest in connection with Crime No.68/2016, registered at Police Station – Incharge, Economic Offence Wing/Anti Corruption Bureau, Raipur, Chhattisgarh for offence punishable under Section 13(1)(e), 13(2) of Prevention of Corruption Act, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. The applicant had given explanation of all the assets which were allegedly found in his possession. The assets belonging to the wife and the brother of this applicant has also been erroneously included to show that the property belonging to this applicant is disproportionate to his known and legal sources of income. This applicant was never arrested by the respondent/non-applicant and the charge sheet has been filed without any intimation to him, as he wishes to appear before the concerned Court and defend himself in the case against him, hence, it is prayed that he may be benefited with grant of anticipatory bail.
3. Learned counsel for the non-applicant/State opposes the application

and submits that no case is made out for grant of anticipatory bail to this applicant. The applicant during his tenure as public servant has amassed wealth which has been found in the investigation to be disproportionate to the tune of 114.81%. Hence, for this reason, this applicant is not entitled for grant of anticipatory bail.

4. I have heard the learned counsel for the parties and perused the case diary.

5. According to the prosecution case, this applicant was appointed as Forest Guard on 10-11-1993. Subsequently, this applicant has been promoted step by step to the post of Range Officer. On receipt of confidential information, a raid was conducted in the premises of this applicant and on that basis, FIR was registered against him. It was found in the investigation that during the check period income from known and legal sources of this applicant was Rs.39,74,340/-, whereas, his expenditure was Rs.85,37,668/-. Hence, this case.

6. After considering on the material present in the case diary, it appears that investigation is now complete, the applicant has to face the trial before the concerned Court, there is no requirement for his detention during the period of whole trial against him, hence, for these reasons, I am of this view that the applicant deserves be benefited with grant of anticipatory bail.

7. Accordingly, the anticipatory bail application is allowed. 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 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.

8. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge