

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2271 of 2018

- Gorelal Rathore S/o Late Dhaniram Rathore, Aged About 73 Years, On That Relevant Time Posted As Sub Engineer Public Work Department, District Korba (At Present Retired from the Post) Presently Resided At- Devnandan Nagar, Fase- 1, Sipat Road, District Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer- Anti Corruption Bureau, District Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Non-applicant

For Applicant – Shri V.C. Ottalwar and Shri Ishwar Jaiswal, Advocates.
For Non-applicant/State – Shri Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

09-05-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 20-03-2018 in connection with Crime No.14/2005 registered at P.S. - Anti Corruption Bureau, District Bilaspur, Chhattisgarh for the offence under Section 13(1) (E) 13(2) of Prevention of Corruption Act 1988.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. The applicant is capable to explain each and every acquisition made by him during the check period, that the acquisition was made from legal sources of income. Presently the applicant is a retired public servant and he is a senior citizen. The FIR was lodged on 03-05-2005 and charge sheet has been filed after a lapse of 13 years on 20-03-2018, during the whole period this applicant was never arrested by the respondent/non-applicant. The applicant is ready to abide by all the conditions to be imposed on grant of bail. Hence, it is prayed that this applicant may be released on regular bail.

3. Learned counsel for the State/non-applicant opposes the application.
4. Heard learned counsel for the parties and perused the case diary.
5. According to the prosecution case, one FIR was lodged against the applicant on 03-05-2005, subsequently a raid conducted on his premises. After investigation it was found that during the check period of 26-04-1972 to 04-05-2005, the income from lawful sources was Rs.26,36,588/-, whereas, expenditure made by the applicant was Rs.38,77,946/-, which was 47% in excess and disproportionate. Hence, this case.
6. Presently after filing of the charge sheet, it appears that there is no further requirement of detention of this applicant for the purpose of investigation and the trial will take considerable time before its conclusion. Hence, for these reasons, I am of this view that this applicant should be granted regular bail.
7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the 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 Court, for his appearance as and when directed.
8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge