

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2582 of 2018

- Ajay Kaware S/o Shri Yama Kaware Aged About 52 Years, R/o- Plot No. 14, Mahavir Nagar, Dharampura, Jagdalpur, District- Bastar, Chhattisgarh., District : Bastar(Jagdalpur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Anti Corruption Bureau, Jagdalpur, District- Bastar, Chhattisgarh., District : Bastar(Jagdalpur), Chhattisgarh

---- Non-applicant

For Applicant – Shri Vinay Pandey, Advocate.

For Non-applicant/State – Shri Anupam Dubey, Deputy Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

10-05-2018

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 16-03-2018 in connection with Crime No.41/2015 registered at P.S. - State Economic Offences Investigation/Anti Corruption Bureau, Jagdalpur, Chhattisgarh for the offence under Section 13(1) (e) and 13(2) of the 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 in jail since 16-03-2018. Earlier he has filed an application for anticipatory bail and after rejection of the same, he has himself surrendered before the trial Court and he has been placed in detention. It is further submitted that the investigation in this case has not been done properly. The explanation that was offered by the applicant has not been taken into consideration by the investigating agency. Hence, he has a case to defend himself. The FIR has been lodged on 17-07-2015 and the raid was conducted on 20-07-2015, but the investigation was kept pending till charge sheet was filed on 24-01-2018, during this period no attempt was made to arrest this applicant and the applicant has not misused the liberty during pendency of investigation and the trial against him. Hence, it is prayed that the

applicant may be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that this applicant has amassed a huge wealth during tenure of his service as public servant and also committed other misconduct according to the departmental rules, for which he needs to explain. Hence, he is not entitled for grant of bail.

4. Heard learned counsel for the parties and perused the case diary.

5. According to the prosecution case, investigation has been conducted against the applicant between the check period of 24-03-2002 to 20-07-2015 and the income from lawful sources of this applicant was found Rs.3,22,42,777/- and the expenditure was found to be Rs.7,11,93,498/-, thus, there acquisition of the applicant was in excess to 120%, which is disproportionate assets in his possession.

6. In the present state of things, charge sheet has been filed and the applicant is presently a public servant placed under suspension, there is no likelihood of his absconding and the purpose of bail is only to ensure appearance of the accused person before the trial Court for the purpose of conducting the trial, 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