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HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2699 of 2018

- Anand Kumar Tamboli S/o Laxman Prashad Tamboli, Aged About 59 Years, R/o- Village- House No. B-35 Vijyapuram Face-1, Sipat Road Sarkanda, Police Station Sarkanda, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Throgh- Station House Officer, Police Station- A.C.B. District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Non-applicant

For Applicant – Shri Kishore Bhaduri, Advocate.

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. 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 28-03-2018 in connection with Crime No.9/2017, registered at Police Station – A.C.B. Bilaspur, District- Bilaspur, Chhattisgarh for offence punishable under 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 is innocent and he has been falsely implicated in this case. He was never arrested after lodging of the FIR and during investigation. When this applicant appeared before the concerned Court on the date of filing charge sheet, he has been arrested and placed in detention. As the investigation is complete and no purpose would be served if the applicant is kept in continuous detention. Hence, it is prayed that the applicant may be granted regular bail.

3. Learned counsel for the non-applicant/State opposes the application and submits that the applicant is being prosecuted for the offence of collecting and amassing disproportionate assets. Hence, he is not entitled for grant of

bail.

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

5. According to the prosecution case, the applicant had been working in capacity of Assistant Food Officer in Bilaspur. On the basis of one confidential information, a raid was conducted by respondent/non-applicant in the premises of this applicant and during investigation it was found that between the check period from 02-01-1989 to 16-02-2017, this applicant had amassed wealth of value Rs.1,49,39,900/-, whereas, his income from legal sources was found to be only Rs.73,85,472/-, hence, his assets were disproportionate to the tune of 102%. The explanation given by the applicant is this that income and assets of other family members have been included in the assets showing to be that of this applicant.

6. After due consideration upon the material present in the case diary and looking to this fact that after filing of the charge sheet, no purpose would be served if the applicant is kept in detention till conclusion of the trial, 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