

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7684 of 2017

- Devendra Singh Kushwah S/o Late Prahlad Singh Kushwah, aged about 69 years, R/o House No. 109, Sundar Nagar, Raipur, District Raipur (C.G.).

---- Applicant

Versus

- State Of Chhattisgarh Through Anticorruption Bureau, Raipur, District- Raipur (Chhattisgarh).

---- Respondent

For Applicant : Mr. Bidya Nand Mishra, Advocate.
For Respondent : Mr. Anupam Dubey, Dy. G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

13/02/2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No. 12/2015, registered at Police Station- Anti Corruption Bureau, Raipur District- Raipur, (C.G.) for the offence punishable under Sections 13(1) (e) R/w 13(2) of Prevention of Corruption Act, 1988.
2. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since 20.03.2015. As the applicant has been arrayed as an accused in another case of public distribution system and as a fall out of the same, in the premise of this applicant, raid was conducted and false case has been made against him, alleging that he has amassed disproportionate assets. Applicant is aged about 69 years and is willing to abide by all the conditions and

directions, which may be imposed on him while granting bail. After completion of investigation, charge-sheet has been filed. Trial is likely to take some time, Hence, it is prayed that applicant be enlarged on bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that applicant has amassed wealth which is disproportionate to 495% more from his known and legal sources of income, therefore, he is not be entitled for grant of bail.
4. Heard both the parties and perused the case diary.
5. Applicant was appointed as Assistant Manager, Quality Control in Nagrik Aapoorti Nigam, Raipur, subsequent to his retirement, on contractual basis. On 12.02.2015, the Anti Corruption Bureau, Raipur raided the premises of the applicant and a proper inventory of the articles found was prepared. Fixing the check period from 30.12.2010 to 12.02.2015, the investigation was done, in which it was found that the applicant had earned an amount of Rs. 20,47,629/- from his known and legal sources of income, whereas expenditure was made by him to the tune of Rs. 1,01,48,188/- hence it was found that expenditure was 495% more than his income, thus disproportionate.
6. As per counsel for the applicant the income of all family member has been included in the investigation, for which he has submitted proper explanation which has not been taken into consideration by the Investigation Agency. Hence, he has a fair chance to succeed in the application for grant of bail.
7. Considered the entire material present in the case, in the present situation the applicant who is in jail since more than two years and the trial is likely to take some time for its conclusion, for this reason, I am

of this view that this is a fit case where the applicant should be released on regular bail.

8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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.

Sd/-
(Rajendra Chandra Singh Samant)
Judge