

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 539 2018**

Rakesh Raman Singh, S/o. Shri Vishwanath Singh, Aged About 59 Years, Occupation Service (Surveyor Assistant Land Protection Officer, Agriculture Department), R/o Mission Chowk, Kedapur, Ambikapur, Police Station And Tehsil Ambikapur, District Sarguja Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through Inspector Economic Offences Investigation Bureau, Bilaspur Chhattisgarh.

---- Respondent

For Applicant : Mr. Kishore Bhaduri, Advocate with
Mr. Pawan Kesharwani, Advocate

For Respondent/State : Mr. Anupam Dubey, Dy. Govt Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**13/07/2018**

1. Apprehending arrest in connection with Crime No.22/2007, registered at Police Station – EOW/ACB, Raipur, Branch – Bilaspur (C.G.) for offence punishable under Section 13 (1) (e), 13 (2) of the 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. Applicant is a government servant since long. A totally false allegation has been made about accumulation of disproportionate assets. During the investigation, the explanation that was offered by this applicant has not been taken into consideration by the investigation officer and the assets belonging to other family members and relatives has also been included to show that huge expenditure has been made

by this applicant. Applicant has separately filed a petition bearing W.P.(Cr.) No.216/2018, in which the prayer has been made for issuance of direction to the investigation authority to consider on the explanation given by the applicant. Investigation is almost complete at the present stage. Therefore, it is prayed that the applicant may be enlarged on anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect. It is submitted that during his tenure as public servant from 21.03.1983 to 30.04.2017, the property acquired by this applicant was found disproportionate to the extent of 185.57%, because of which he is not entitled for grant of anticipatory bail.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. The applicant is presently surveyor in the office of Agricultural Department in Ambikapur. During the check period as mentioned above, the income from the legal sources of this applicant was Rs.1,12,90,400/-, whereas his expenditure was Rs.3,22,42,124/- thus the excess expenditure was Rs.2,09,51,724/- i.e. 185.57%, which has been found in the investigation made against this applicant. Hence, this case.
6. Considered the submissions made and the contents of the case diary. The applicant has offered his explanation, which shall be considered by the trial Court and after due consideration on all the material present in the case diary and also taking into consideration this fact that this applicant is a public servant, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.

7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
8. 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge