

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 867 of 2018**

Gyaneshwer Prasad Dubey S/o Girwar Prasad Dubey Aged About 62 Years
R/o Near Kosabadi, Ramanujganj Road, P.S. Ambikapur Surguja
Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh.

---- Applicant**Versus**

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

---- Respondent

For the Applicant : Shri B.P. Singh, Advocate.
For the Respondent/State : Shri Anupam Dubey, Dy. G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****04.09.2018**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.

2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicant who is apprehending arrest in connection with Crime No. 45 of 2016, registered at Police Station – Anti Corruption Department, Bilaspur, District – Bilaspur, Chhattisgarh for the offences punishable under Sections 13(1)(e) and 13(2) of the Prevention of Corruption Act, 1988.

3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case. The explanation given by the applicant regarding his possession of assets has not been taken into consideration by

the Investigation Officer. On the other hand, the income of his wife, son and daughter-in-law has also been added. Apart from that, the valuation was done exorbitantly to make out a case of disproportionate assets. It is also submitted that the applicant was never placed under suspension or placed in detention in this case during the pendency of the investigation against him and he is simply received a notice from the Court to appear in the case because of which, he is apprehending arrest in the case against him. Hence, it is prayed that the applicant be benefited with grant of anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that the applicant has misused his possession as public servant in amassing wealth which is disproportionate to the tune of 94.4%. Hence, no case is made out for grant of anticipatory bail to the applicant.

5. Heard counsel for both the parties and perused the case diary.

6. On 3.6.2016, the respondent conducted the raid in the premises of the applicant. After preparing inventory of the articles found, the investigation has been completed. It has been found that the income of the applicant from lawful sources during the check period was 3,07,24,935/- whereas, expenditure was found to be Rs.5,97,45,741/-. After completion of investigation, the charge-sheet has been filed.

7. Considering the material present in the case-diary and the fact that the

applicant is a public servant, neither he was arrested during the period of investigation pending against him nor his carrier was disrupted because of the pendency of the investigation, presently, he is a retired government servant and subsequent to filing of charge-sheet there is no requirement of arrest or detention, I am of the considered view that the present is a fit case where the applicant should be benefited with grant of anticipatory bail.

8. Accordingly, the anticipatory bail application is allowed and 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 them 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.'

Sd/-
(Rajendra Chandra Singh Samant)
Judge