

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 989 of 2018

- Ali Hussain Kapasi S/o Late Shri Tahir Ali Aged About 61 Years Retired Chief Conservator Of Forest, R/o- A-16/4, Sector-3, Udiya Society, Tatibandh, Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Anti Corruption Bureau/economic Offences Investigation Bureau, Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondent

For Applicant : Mr. Kishore Bhaduri and Mr. Pawan Kesharwani, Advocate.
For Respondent : Mr. ANupam Dubey, Dy. Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

11/09/2018

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.6/2016 registered at Police Station- ACB/EOW, District – Raipur(C.G.), for the offence punishable under Sections 13(1)(e), 13(2) of Prevention of Corruption Act and Sections 192, 193, 164, 465, 467, 468, 470, 471 & 201 of the Indian Penal Code (for short 'IPC').
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. It is submitted that this applicant is a public servant and was serving as Officer of Indian Forest Services. A raid was conducted on 16.1.2016, the applicant has

fully co-operated with the investigation that has been done by the respondent by supplying all the material, relevant information and documents. The explanations submitted by the applicant were never taken into consideration by the Investigating Officer. One of the sons of the applicant is owner of the two petrol pumps. The wife of the applicant himself is an artist and running an art gallery. Another son of the applicant is highly qualified and serving in a multinational company. All of them have their own sources of income, which has been erroneously included in the assets of this applicant. Charge-sheet has been filed, after completion of investigation on 31.7.2018, regarding which, notice was served upon this applicant but this applicant has not appeared before the Court apprehending his arrest in non-bailable cases registered against him. Hence, under these circumstances, it is prayed that he may be released on anticipatory bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that it is a case of amassed huge wealth, which is disproportionate to the tune of 235.14% which this applicant has collected by misusing his position as public servant. Further, a cash amount of Rs.11,13,500/- and ornaments worth Rs.36,74,265/- were recovered and seized in the raid conducted and the applicant has not been able to give satisfactory explanation in that regard. Hence, this application be rejected.
4. Heard both the parties and perused the case diary.
5. A raid was conducted by respondent on 16.1.2016 in the premises of the applicant. The inventory was prepared about the articles that were found in this raid. After investigation, it has been found that the income from lawful sources of the applicant was Rs.3,35,96,717/- whereas ,

his expenditure was found to be Rs.11,26,76,343/- which shows excess expenditure to the tune of Rs.8,02,81,665/- regarding which the explanation of the applicant was not found satisfactory by the Investigation Officer. Hence, this case.

6. Considered on all the aspects of the case.
7. It appears that the applicant has co-operated in the investigation against him and he was never arrested by the respondent. Further, subsequent to filing of charge-sheet against him, it appears that there is no requirement of custodial interrogation of the applicant and the trial in this case is likely to take some time before its conclusion. For the aforesaid reasons, I am of this view that this is a fit case where the applicant should be benefited with grant of anticipatory bail.
8. Accordingly, the anticipatory bail application of applicant 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 his executing a personal bond in the sum of Rs.25,000/- each 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.

Sd/-

(Rajendra Chandra Singh Samant)

Judge

Nisha