

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1148 of 2018

- Surendra Kumar Chandra S/o Shri Radheshyam Chandra Aged About 51 Years R/o Village Katari, Tehsil Malkharoda, District Janjgir-Champa, Presently Posted As Executive Engineer In Public Health Engineering Department, Korba, Chhattisgarh., District : Korba, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Anti Corruption Bureau/economic Offences Wing (Acb/eow) Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondent

For Applicant : Mr. Kishore Bhaduri & Mr. Pawan Kesharwani,
Advocates.
For Respondent : Mr. Rahul Tamaskar, Panel Lawyer.

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

27/09/2018

1. The applicants have preferred this bail application under Section 438 of Cr.P.C. apprehending their arrest in connection with Crime No.05/2017 registered at Police Station-ACB/EOW, District – Raipur (C.G.), for the offence punishable under Sections 13(1)(e), 13(2) of the Indian Penal Code.
2. Learned counsel for applicants submits that applicants are innocent and have been falsely implicated in this case. It is submitted that income of the family members of the applicant have also been added

in the income of the applicant to show that the assets in his possession are disproportionate to his income as salary from service. The applicant, who is a public servant posted as Executive Engineer, PHE in Korba, has not been suspended from his services till date. The applicant has fully co-operated with investigation that has been done in this case by remaining always available by the respondent party and even then he was not arrested on any occasion. Presently the investigation has been completed and the applicant has to face trial before the Court. Hence, it is prayed that they may be released on anticipatory bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that the applicant has earned huge wealth by misusing his position as public servant which is disproportionate to the tune of 75 %.
4. Heard both the parties and perused the case diary.
5. A raid was conducted by respondent on 16.2.2017 in the premises of the applicant and after preparing the inventory of the articles, it has been found that the income of the applicant from his lawful sources was Rs.2,28,41,914/- whereas his expenditure was found to be Rs.4,01,22,625/- and therefore a case has been registered against him.
6. Considered the entire material present in the case diary and for the reason that the applicant is a public servant, he has co-operated with the investigation done so far and as the investigation is now complete which shows that there is no requirement of any detention or custodial interrogation of the applicant for the purposes of investigation in this

case, therefore, I am of this opinion that applicant should be granted anticipatory bail.

7. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on their 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 applicants 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 them by the said Court till disposal of the trial.

Sd/-

(Rajendra Chandra Singh Samant)
Judge