

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 1331 of 2018**

Dinesh Kumar Dubey S/o R.S. Dubey Aged About 49 Years R/o Ganga Nagar, Mangla, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Incharge, Anti Corruption Bureau, Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh.

---- Respondent

For the Applicant : Shri Goutam Khetrapal, Advocate.
For the Respondent/State : Shri Vijay Bahadur Singh, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****01.11.2018**

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. 5 of 2018 registered at police station Anti Corruption Bureau, Bilaspur, District Bilaspur, Chhattisgarh for the offence 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 applicant is appointed and working as A.G.III since 1993 and he was posted as A.G.III in Excise Department on

1.1.2009. FIR was lodged against him on 13.4.2018. The check period that has been taken into consideration in the investigation is between 1.1.2009 and 13.4.2018. So far in the investigation, the income that has been calculated totally is on the erroneous basis, without taking into consideration the income of the appellant since his appointment in the year 1993 and also not considering the fact that the appellant has sold some property in the year 2012 including the receipt for the same his income was more than Rs.88,00,000/-, out of which, he has made expenditure of Rs.67,80,383/- which is well within the limits of his income from lawful sources. Hence, no case is made out against the applicant and 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 amassed huge wealth by misusing his position in the public office. Hence, the applicant is not entitled for grant of anticipatory bail.

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

6. According to the investigation made so far in this case during the check period between 1.1.2009 to 13.4.2018, the income from lawful sources of the applicant was Rs.15,51,586/- whereas, the expenditure was Rs.60,80,383/-. Hence, this case.

7. Considering the material present in the case-diary, it is found that the applicant though available and working in the place of posting, has not been arrested by the respondent so far and he has cooperated in the

investigation. Hence, for these reasons, I am of the considered opinion that the applicant deserves to be released on 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