

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 76 of 2019

- Jagdish Singh Jabbal S/o Late Sukhdev Singh Jabbal, aged about 64 Years, R/o Executive Engineer, Rural Road Development Authority, Balodabazar, R/o House No. 1, Vimal Avenue, Near Flower Valley, Amlidih, VIP Road, Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through The Incharge, Anti Corruption Bureau, Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Respondent

For Applicant : Mr. Goutam Khetrapal, Advocate.

For Respondent : Mr. Arun Shukla, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

01/02/2019

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.39/2012 registered at Police Station-Anti Corruption Bureau, Raipur(C.G.), for the offence punishable under Sections 13(1)(e), 13(1)(b) & 13(2) of the Prevention of Corruption Act, 1988.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. No case is made out against him. The applicant has filed Form-1,2 & 3 giving explanation of each and every acquisition through lawful sources of income, which

has not been taken into consideration at all by the Investigation Agencies. The income of his son, who is an Officer of Indian Navy and income of his mother and wife, who run ancestral business of Steel Trading and they are income tax payee, has also been included in the income of this applicant. Apart from that the properties that have been found in his possession are over valued at the current rates, whereas their acquisition has been made earlier at lesser price, therefore, no case is made out against the applicant for possessing disproportionate assets. Hence, it is prayed that applicant may be enlarged on anticipatory bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect and it is submitted that this applicant has in capacity of public servant, misused his position and amassed huge wealth, which is disproportionate to the tune of Rs.217.18 %, therefore, he is not entitled for grant of anticipatory bail.
4. Heard both the parties and perused the case diary.
5. Applicant was appointed as Sub-engineer in Water Resources Department in the year 1995. Subsequently he was transferred to Rural Road Development Authority and at the time of the raid conducted on 5.10.2012 he was an Executive Engineer. On calculation made for the check period between 1.1.2002 to 5.10.2012, the income from lawful sources of the applicant was calculated as Rs.1,46,44,702/- whereas his expenditure was found as Rs.4,82,64,129/-. Hence, this case.
6. Considered all the material present in the case diary and the submissions made in this respect, it appears that applicant has ground to defend himself in this case. The investigation is almost complete

and this applicant was never arrested by the Investigation Agencies so far, therefore, there appears to no needs of his custodial interrogation, hence, under these circumstances, I am of this view that present is a fit case where the applicant can be granted anticipatory bail.

7. 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 his executing a personal bond in the 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 them by the said Court till disposal of the trial.

Sd/-
(Rajendra Chandra Singh Samant)
Judge