

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 352 of 2019**

Mishri Lal Pandey, S/o. Late Durga Prasad Pandey, Aged About 63 Years, Retired Additional Director, Directorate Social Welfare, R/o. E4, Sector 2, Argroha Society, In front of HR Tower, Raipur Chowk, Raipur Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through : Station House Officer, Police Station -Anti Corruption Bureau, Economic Offence Wing, Raipur Chhattisgarh.

---- Respondent

For Applicant	: Mr. Varun Sharma, Advocate
For Respondent/State	: Mr. Avinash K. Mishra, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****13/03/2019**

1. Apprehending arrest in connection with Crime No.06/2017, registered at Police Station – Anti Corruption Bureau/EOW, Raipur, District – Raipur (C.G.) for offence punishable under Section 13 (1) (e) R/w. Section 13 (2) of the Prevention of Corruption Act, 1988, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant on the basis of the material present in the case diary. The applicant has superannuated and he is now retired public servant. The calculation made in the investigation is erroneous for the reason that income of the wife of the applicant, son and daughter of the applicant has also been calculated in the same, whereas all of them have separate source of income and have made acquisitions on that basis. The explanation given by the

applicant has not been considered by the Investigation Officer. The applicant is hopeful to defend his case. The respondent had never made any attempt to arrest the applicant during the pendency of the investigation against him and at present there is likelihood of filing of charge-sheet. Therefore, it is prayed that the applicant may be enlarged on anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect. It is submitted that this applicant by misusing the position as public servant had acquired assets, which was found to be 247.34% in excess and thus the applicant has been found having disproportionate assets, therefore, his application for grant of anticipatory bail be rejected.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. The applicant entered into the service as Probation Officer on 22.12.1980 in Social Welfare Department. While the applicant was posted as Additional Director in Social Welfare Department in Raipur, a raid was conducted by the respondent on 16.02.2017. Thereafter, in the investigation, it has been calculated that income from the lawful sources of the applicant was Rs.1,81,79,137/-, whereas the assets found in his possessionnn has been valued at Rs.5,00,75,949/-. Hence, this case.
6. Considered the submissions made and the contents of the case diary. Considering on the entire material present in the case diary, the applicant has material to defend his case and further for the reason that this applicant was never arrested by the investigation officer although he was available all the time and now the

investigation is almost complete, therefore, there is no requirement of his custodial interrogation, therefore, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.

7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.

8. 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 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge