

Court No. - 78

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438
CR.P.C. No. - 10572 of 2023

Applicant :- Satish Chandra Bhatia

Opposite Party :- State of U.P.

Counsel for Applicant :- Subhash Chandra Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Raj Beer Singh,J.

1. Heard learned counsel for the applicant, learned A.G.A. for the State and perused the record.
2. The present application has been moved seeking anticipatory bail in Case Crime no. 157 of 2015, under Section 13(1)E read with Section 13(2) of Prevention of Corruption Act, Police Station Sadar Bazar, District Saharanpur with the prayer that in the event of arrest, applicant may be released on bail.
3. It has been argued by the learned counsel for the applicant that applicant is innocent and he has an apprehension that he may be arrested in the above-mentioned case, whereas there is no credible evidence against him. The applicant has no criminal antecedents. At the relevant time, applicant was working as Assistant in the office of S.S.P., Saharanpur. The first information report was lodged by informant against applicant on 10.04.2015, alleging that in check period from 28.07.1982 to 31.04.2009, he has earned total income of Rs. 34,94,275/- from his legal and known sources but during that period, he has borne expenses worth Rs. 48,05,099/- and thus, funds worth Rs. 13,10,824/- were disproportionate to his known sources of income. Learned counsel submitted that the said allegations made in the first information report are wholly false. After thorough investigation, police have found that no case of disproportionate fund is made out and thus, police have submitted

final report in favour of the applicant. It was submitted that while the said final report was pending before the court, further investigation was conducted. During further investigation, applicant has filed his representation to the Inspector General of Police, explaining his source of income but the same was not considered by the Investigating Officer. The sanction for prosecution of applicant has been granted in a mechanical manner without considering the relevant material. After further investigation, police have submitted charge-sheet, wherein it was shown that during check period, the total income of applicant was Rs. 36,41,706/- but during that period he has borne expenses worth Rs. 42,45,039/- and thus, funds of Rs. 06,03,333/- were disproportionate to his known sources of income. Learned counsel has referred the statement and representation of applicant and submitted that the entire amount shown in the earning of the applicant has duly been explained but the same has not been considered by the Investigating Officer. The applicant has already retired from service on attaining the age of superannuation. It was further submitted that investigation is complete and charge-sheet has already been filed. The applicant undertakes to co-operate during trial and he would appear as and when required by the Court. It has been stated that in case, the applicant is granted anticipatory bail, he shall not misuse the liberty of bail and will co-operate with the trial and would obey all conditions of bail.

4. Learned A.G.A. has opposed the application for anticipatory bail and argued that in further investigation it was found that the applicant was in possession of funds disproportionate to his known sources of income.

5. It may be stated that in case of **Siddharam Satlingappa**

Mhetre v. State of Maharashtra, (2011) 1 SCC 694, it has been held by Hon'ble Supreme Court that while deciding anticipatory bail, Court must consider nature and gravity of accusation, antecedent of accused, possibility of accused to flee from justice and that Court must evaluate entire available material against the accused carefully and that the exact role of the accused has also to be taken into consideration.

6. In the instant case, considering the settled principle of law regarding anticipatory bail, submissions of the learned counsel for the parties, nature of accusation, role of applicant and all attending facts and circumstances of the case, without expressing any opinion on merit of the case, a case for anticipatory bail is made out.

7. The anticipatory bail application is **allowed**.

8. In the event of arrest of the applicant- **Satish Chandra Bhatia** involved in the aforesaid case crime shall be released on anticipatory bail on his furnishing a personal bond of Rs. 50,000/- with two sureties each in the like amount to the satisfaction of the Station House Officer of the police station concerned/court concerned with the following conditions :-

- i. The applicant shall not tamper with the evidence during the trial.
- ii. The applicant shall not pressurize/ intimidate the prosecution witness.
- iii. The applicant shall appear before the trial court on the date fixed, unless personal presence is exempted.
- iv. The applicant shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected.

v. 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 or tamper with the evidence.

9. In case of breach of any of the above condition, the Court below shall be at liberty to cancel bail of applicant in accordance with law.

Order Date :- 22.11.2023

Anand