

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 792 of 2015

Smt. Sheela Mishra D/o Shri M.P. Mishra Aged About 46 Years W/o Ram Chandra Shukla, ANM Worker, Nagpura, Bilha, R/o B-12, 25, Bangla Colony, Distt. Bilaspur Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh (Through Deputy Superintendent Of Police), Anti Corruption Bureau, Bilaspur, District Bilaspur Chhattisgarh.

---- Respondent

Shri Anup Majumdar, counsel for the applicant/s.
Shri Manish Nigam, Panel Lawyer for the State.

Order On Board

27/08/2015

Heard.

The applicant is apprehending his arrest in connection with Crime no.157/2001 registered at police station – Economic Offence Wing & Anti Corruption Bureau, Raipur, CG. For alleged commission of offence under Section 13(1) (e), 13 (2) of the Prevention of Corruption Act.

2. Prosecution case is that the husband of the applicant, the co-accused, while posted and working as *Up-Jila Vistar evam Sadhan Adhikari* amassed wealth disproportionate to his known source of income. The allegations against the applicant is that as she happens to be the wife of a Government Servant and she herself being a public servant, a house has been purchased in her name, knowing fully well that the money has been collected by her husband through corrupt means.

3. Learned counsel for the applicant submits that the main allegations are against the other co-accused of having amassed wealth disproportionate to his known source of income. It is submitted that merely because the applicant happens to be his wife and some of the properties have been purchased in her name, she has been involved. It is further submitted that the main accused has

been granted regular bail and in these circumstances, custodial interrogation of the applicant is not necessary.

4. On the other hand, learned State counsel opposes the bail application and submits that the applicant is also a Government Servant, therefore, if property has been purchased by the co-accused in her name, she is also involved in commission of offence under Section 13 (1) (e) read with Section 13 (2) of the Prevention of Corruption Act.

5. Taking into consideration the nature of allegations against the applicant and that her involvement is on the ground that the wealth collected by her husband was used for purchasing property in her name and that the main accused has been granted regular bail, the applicant being a lady is not likely to abscond or tamper with the prosecution witnesses or interfere with the fair investigation and her custodial interrogation does not appear to be necessary at this stage, I am inclined to grant anticipatory bail to the applicant.

6. Accordingly, the application is allowed. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, the applicant shall be released on bail by the arresting officer on furnishing a personal bond in the sum of Rs.25,000/- along with one local surety for the like amount to the satisfaction of the arresting officer with following further conditions that:

(i) the applicant shall make herself available for interrogation by the police officer as and when required;

(ii) 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 her from disclosing such facts to the Court or to any police officer;

Certified copy as per rules.

Sd/-

Manindra Mohan Shrivastava
Judge