

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRCA No. 967 of 2015**

Radheshyam Agrawal, son of Late Puranmal Agrawal, aged about 68 years, resident of Housing Board Colony, Umariya (M.P.) at present R/o L-101, Saket Extension, near Agrasen Chowk, Bilaspur, Police Station Civil Lines, Tahsil, Civil & Revenue District Bilaspur (C.G).

---- Petitioner**Versus**

State of Chhattisgarh acting through Officer-in-Charge ACB/EOW Raipur, Civil & Revenue District Raipur (C.G).

---- Respondent

For Petitioner	:	Shri K.A. Ansari, Sr. Adv. with Smt. Meera Ansari, Advocate
For Respondent/State	:	Shri Rajkumar Gupta, Dy. Advocate General.

HON'BLE GOUTAM BHADURI, J**Order On Board****30/10/2015**

1. The applicant has preferred this application under Section 438 of Cr.P.C., apprehending her arrest in connection with Crime No.05/2015, registered at Police Station–Economic Offences Wing/Anti Corruption Bureau, Raipur for the alleged commission of offence under Sections 13(1)(e) and 13(1)(2) of the Prevention of Corruption Act, 1988 read with Sections 109, 420, 467, 468, 471, 120-B of IPC.
2. Prosecution case is that the applicant's son Alok Kumar Agrawal, while working as a Engineer in Public Works Department, collected and possessed more than Rs.30 Crores through corrupt means misusing his official position. The allegation is that the applicant being Government Servant has siphoned off black money and got invested the ill-gotten money through number of relatives in the name of fake and bogus business activities and investments.

As far as present applicant is concerned, who is father of the government servant, the allegation is that more than 1 Crore of ill-gotten wealth collected through corrupt means was falsely shown to have been earned by the present applicant through fake business of sale and purchase of forest produce, agricultural income and rental income etc.

3. Learned Senior Counsel for the applicant submits that the present applicant is being involved in this case on the allegation that ill-gotten wealth earned by his son, a government servant, was shown as earned by the present applicant through various business activities, which have been treated as fake and bogus. It is further submitted that the applicant is income tax payee and filing income tax returns and he is residing in Umariya and not residing with his son, the government servant, who is stated to be the main accused. It is also stated that the applicant in income tax returns had duly disclosed income received from various occupations like sale and purchase of forest produce, agricultural income, rental income transport business etc. At this stage, none of the income alleged against the applicant is undisclosed. It is further submitted that the allegation that the son of the applicant siphoned the black money through the applicant is without any basis. The income tax returns *prima facie* show that the applicant has collected wealth through valid source which has been duly disclosed in the income tax returns since 1968. It is also submitted that the applicant has been residing at Umariya, who is also businessman since 1960 and he is also income tax payee. Merely because son of the applicant is alleged to have amassed ill-gotten wealth through corrupt means, each and every income of the applicant, cannot be doubted as the one diverted from his son.
4. It is lastly submitted that the applicant is an old and infirm man of 68 years and has undergone the operation of angioplasty and further the charge sheet has already been filed and the other similarly placed co-accused Pushpa Devi

Agrawal has been enlarged on bail by the coordinate Bench in M.Cr.C(A). No. 659 of 2015 on 14.09.2015 and the applicant being father of the main accused Alok Agrawal, is also entitled for the same relief as has been granted to similarly placed co-accused. It is further submitted that no custodial interrogation is required and further considering the old age and physical infirmity of applicant as well as all the documentary evidence like income tax returns etc., which are already placed on record, there is no chance of tampering evidence.

5. On the other hand, learned State counsel opposes the prayer for grant of bail and submits that similarly placed co-accused has been granted bail being a lady and on the ground of age and therefore, the parity ground cannot be considered in case of the present applicant.
6. I have gone through the record and the order passed in M.Cr.C.No.659 of 2015. Reading of the bail order would show that considering the age, co-accused Pushpa Devi Agrawal, mother of accused Alok Agrawal, was enlarged on bail predominantly taking into account that the main accused have been arrested and the charge sheet has been filed and most of the incriminating material which pertains to the involvement of the applicant is in the nature of documentary evidence which has already been collected and further considering that the applicant is an old man of aged about 68 years and has undergone the operation of angioplasty I am of the opinion that this is a fit case to extend the benefit of anticipatory bail to this applicant also.
7. Accordingly, the 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 on furnishing a personal bond inr a sum of Rs.50,000/ with one local surety in the like sum to the satisfaction of the arresting officer/investigating officer, on the following conditions that:
 - (i) he shall make herself available for interrogation by a police officer as and when required;

- (ii) he 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 from disclosing such facts to the Court or to any police officer, *and*
- (iii) he shall cooperate with the investigation as and when he is called.

C.C. as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**

Rao