

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No.360 of 2016**

- Girdhari Lal, S/o late Shri Ishar Dass, aged about 64 years, R/o House No.29, Moulshree Vihar, VIP Road, Raipur, Tahsil and District Raipur (C.G.), Permanent R/o M-36, Guru Harikishan Nagar, Paschim Vihar, New Delhi.

---- Applicant**Versus**

- Central Bureau Of Investigation A.C.B., Bhilai (Chhattisgarh) District Office - Raipur

---- Non-applicant

 Appearance: Mr. Anil Anand with Shri G.V.K.Rao, counsel for the applicant.
 Shri Kishore Bhaduri with Shri Pawan Kesharwani, Standing Counsel for the C.B.I.

Hon'ble Shri Justice I.S. Uboweja
Order on Board

09.05.2016

1. The applicant has preferred the instant bail application under Section 438 of the Cr.P.C. for grant of anticipatory bail as he apprehends his arrest in connection with Crime No. RC1242012A0002, registered in Police Station CBI for offence punishable under Sections 7, 12, 13 of Prevention of Corruption Act and 120-B of the I.P.C.

2. Case of the prosecution, in brief, is that on 26.04.2012 C.B.I. conducted raid at the premises of Mr. P.W.Athalye, Joint Commissioner of Income Tax, O.P.Singhanian and Sapan Khetan, officials of Income Tax and thereafter the C.B.I. registered a case against them under Sections 7, 8, & 13 of the Prevention of Corruption Act and 120-B of the I.P.C. On the basis of material available on record and statements, in particular, the statement of Om Prakash Singhanian, the C.B.I. also found the involvement of the present applicant in demanding huge amount of bribe and registered the case against him under Sections 7, 12, & 13 of the Prevention of Corruption Act and 120-B of the I.P.C.

4. Learned counsel for the applicant submits that there is no sufficient evidence against the applicant for his alleged involvement in the crime in question; the only piece of evidence against the applicant is that one Om Prakash Singhanian has turned approver and made statement under Section 306 Cr.P.C. against the applicant and excepting this no other incriminating evidence has been found against the present

applicant. It has been further argued that other co-accused persons have been granted bail by the trial Court, and therefore, the present applicant be released on bail. In support of his arguments, he placed reliance on a decision in the matter of **Sanjay Chandra v. Central Bureau of Investigation, (2012) 1 SCC 40**.

5. On the other hand, learned counsel appearing for the respondent/C.B.I. while opposing the bail application submits that there is sufficient evidence to show the involvement of the present applicant in crime in question.

6. Taking into consideration the facts and circumstances of the case and further taking into consideration that *prima facie* no other incriminating evidence has been found against the present applicant and that co-accused persons have been granted bail by the trial Court and further considering the principles enunciated by the Supreme Court in **Sanjay Chandra** (supra), this Court is of the opinion that present is a fit case, in which the applicant should be enlarged on regular bail.

7. I have heard learned counsel for the parties and perused the case diary.

8. Taking into consideration the facts and circumstances of the case and the documents on record which shows that there is no involvement of the present applicant in crime in question, there is no specific allegation levelled against the present applicant, I am of the considered opinion that *prima facie* it is a fit case where the applicant can be extended the benefit of anticipatory bail.

9. Accordingly, the application is allowed. It is directed that in the event of arrest, the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety of the like sum to the satisfaction of the Officer arresting him and he shall abide by all the following terms and conditions:

(i) that the accused/applicant shall make himself available for interrogation before the concerned Investigating Officer as and when required;

(ii) that the accused/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 accused/applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and 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.

C.C. as per rules.

Sd/-

(I.S. Uboweja)
Judge