

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C.(A) No. 1166 /2015

Smt. Alka Agrawal, W/o. Shri Alok Agrawal, Aged About 38 Years, R/o. Parijaat Extension, Nehru Nagar, Bilaspur (Chhattisgarh), Civil & Revenue District, Bilaspur.

---- Applicant

Versus

State Of Chhattisgarh, Through the Station House In-Charge, Anti Corruption Bureau / Economic Offence Wing, Raipur.

---- Respondent

For Applicant : Mr. B.P.Sharma with Mr. Vivek Chopda,
Advocate.

For Respondent : Mr. Rajkumar Gupta, Dy. A.G.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

08/02/2016

1. Apprehending arrest in connection with Crime No.5/2015 registered at Police Station- A.C.B./EOW, Raipur (C.G.) for the offence punishable under Section 109, 420, 467, 468, 471, 120-B of IPC read with Section 13(1)(e) of the Prevention of Corruption Act, 1988, the applicant has preferred this application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution story, in brief, the husband of the applicant Alok Kumar Agrawal while working as Engineer in Public Works Department collected and possessed more than Rs.30 Crores through corrupt means misusing his official position. The husband of the applicant being a government servant has siphoned and got invested the ill-gotten money through number of relatives in the name of fake and bogus business activities and investments. The allegation against this applicant is that Rs.4,05,000/- has been shown to be earned which was actually earned by the husband of the applicant which was ill-gotten collected money through corrupt

means and have falsely shown to have earned by the present applicant through fake business.

3. Mr. B.P.Sharma assisted by Mr. Vivek Chopdra, learned counsel for the applicant submits that the present applicant is being involved in this case on the allegation that ill-gotten money 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 the income tax return and residing at Bilaspur. He further submits that during the investigation, she was served with a notice and she appeared and thereafter her statement was also recorded on various dates, therefore, during the investigation she also cooperated. He further submits that the applicant being a lady, no further custodial interrogation was required, therefore, she may be enlarged on anticipatory bail, as no purpose would be served to follow the procedure of the bail as she is having the custody of a girl child of 13 years age, Ku. Sejal Agrawal.
4. Per contra, Mr. Rajkumar Gupta, learned Dy. A.G. on behalf the State opposes the prayer for grant of anticipatory bail and submits that the applicant infact channeling the ill-gotten money by laundering the amount which were of her husband and when the income tax return were investigated, it was found that certain amount of long term gain was shown by sale of share but it was not a long term gain as Rs.18,24,123/- could not have been taken to a long term gain. He further submits that the criteria for grant of anticipatory bail would be different and she may be directed to appear before the Court below and apply for regular bail and the Court may direct for consideration of the bail on the same day.
5. I have heard learned counsel appearing for the parties and perused the case diary.

6. This fact is not in dispute that the charge sheet in this case has been filed and one Radheshyam Agrawal, father of Alok Agrawal and Smt. Pushpa Devi Agrawal, mother of Alok Agrawal have already been enlarged on anticipatory bail in M.Cr.C.(A) No.967/2015 on 30.10.2015 and in M.Cr.C.(A) No.659/2015 on 14.09.2015 respectively by the co-ordinate Bench of this Court. On a specific question being asked as to whether any custodial interrogation is required at this stage or not, the State counsel submits that no further custodial interrogation is required as the charge sheet has already been filed.
7. Perused the charge sheet and the documents. The documents would show that the applicant was served with a notice during the investigation and her statement was further recorded. During the course of investigation, two of the other bail in the like nature i.e. mother & father of Alok Agrawal have already been considered. The main allegation predominantly appears to be against the husband of the applicant who had been arrested and the charge sheet has been filed. Most of incriminating material pertains to involvement of the applicant here in this case appears to be documentary in nature i.e. income tax return for which the custodial interrogation have already been made and the statement is recorded. Taking into fact that the applicant is a lady and the evidence which are collected are documentary in nature and further considering the fact that her husband is already in custody and the charge sheet has been filed, I am inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.
8. Accordingly, the anticipatory bail application is allowed.
9. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, she shall be released on bail by the officer arresting her on furnishing a personal bond to a 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 herself 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 her by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge