

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 337 of 2016

- Satyajeet Yadav S/o Shri Chunnilal Yadav Aged About 41 Years Vice President, Nagar Panchayat, Resident of R.E.S. Colony, Charama, Tahshil- Charama, District Kanker (Chhattisgarh) --- **Petitioner**

Versus

- State of Chhattisgarh Through The Incharge, Anti Corruption Bureau, Bilaspur, District- Bilaspur (Chhattisgarh) --- **Respondent**

For the applicant	:	Dr. N.K. Shukla, Sr. Advocate with Shri B.D. Guru Advocate.
For the Respondent	:	Mr. Gary Mukhopadhyay, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

12.04.2015

1. Apprehending arrest in connection with Crime No. 19 of 2015 registered at Police Station Anti Corruption Bureau, Bilaspur (C.G) for the offences punishable under Sections 13(1)(E), 13(2) of Prevention of Corruption Act and 120-B, 109 of IPC, the applicant has filed this application under Section 438 Cr.P.C., for grant of anticipatory bail.
2. As per the prosecution case, a raid was conducted in the house of one K.K. Yadu, District Manager Civil Supplies and during such raid, disproportionate properties and assets were recovered from the possession of the applicant. It is also alleged that during such raid, one locker key was seized and after opening the locker at Dena Bank, Charama an amount of Rs.11 lacks was recovered from the said locker. The said locker was in the name of applicant who is brother-in-law of the main accused K.K.Yadu.
3. Learned counsel for the applicant submits that the main accused in this case is K.K.Yadu and the locker where from the amount of Rs.11 lakhs was recovered admittedly belonged to this applicant. it is further submitted that the source of such amount so found in the locker was disclosed

by the present applicant that an agreement to sell property was made on 28.12.2014 and out of such sale consideration, Rs.11 lakhs as earnest money was received from the purchaser and the sale was to be executed on 31.02.2015, therefore, the source of such amount was already submitted while the enquiry was being made. Consequently it is submitted that the applicant who is not a public servant cannot be charged u/s 13(1)(e) and 13(1)(2) of the Prevention of Corruption Act. It is further submitted that all the investigation is complete and therefore, the applicant may be enlarged on anticipatory bail.

4. Per contra, learned State Counsel opposes the prayer for grant of bail.
5. According to the case diary, on raid being conducted in the house of K.K. Yadu who is brother-in-law of the applicant a key was recovered, the raid was conducted at Bilaspur and on the basis of such key, the locker at Dena Bank, Charama was opened which is approximately 300 kms., away. After opening the locker, an amount of Rs.11 lakhs was recovered. Therefore, the submission made by the applicant is difficult to accept that the locker belonged to the applicant alone. It does not appear to be logical that the applicant would keep his key of the locker 300 kms., away with his brother-in-law who was posted at Bilaspur. Therefore, at this stage the charges of conspiracy could not be ruled out.
6. Looking to the background of the case and the manner in which the offence committed and after perusal of the case diary papers, I am of the opinion that it is not a case where the custodial interrogation may not be required. Therefore, I am not inclined to extend the benefit of section 438(a) Cr.P.C. to the applicant.
7. Accordingly, the application is rejected.

Sd/-
GOUTAM BHADURI
JUDGE