

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C.(A) No. 826 of 2016

1. Satyajeet Yadav, S/o. Shri Chuunilal Yadav, aged about 41 years, Vice President, Nagar Panchayat, Resident of R.E.S. Colony, Charama, Tahsil – Charama, District – Kanker (C.G.)

----Applicant

Versus

1. The State of Chhattisgarh, through – the Incharge, Anti Corruption Bureau, Bilaspur, District Bilaspur (C.G.)

---- Respondent

For Applicant	: Mr. Sandeep Yadav, Advocate
For Respondent/State	: Mr. Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

09/09/2016

1. Apprehending arrest in connection with Crime No.19/2015 registered at Police Station – Anti Corruption Bureau, Bilaspur, District – Bilaspur (C.G.), for offence punishable under Section 13 (1) (e) and 13 (2) of the Prevention of Corruption Act and Section 120-B of the I.P.C., the applicant has preferred this second bail application under Section 438 of Cr.P.C. for grant of anticipatory bail. The first bail application was dismissed on merits vide order dated 12.04.2015 in M.Cr.C. No.337/2016.
2. Case of the prosecution, in brief, is that a raid was conducted in the house of 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 recovered on 19.02.2016. The applicant was brother-in-law of said K.K. Yadu and after opening of the locker, which was in the name of the applicant, Rs.11.00 lakhs

was recovered from the locker.

3. Learned counsel for the applicant would submit that on 28.12.2014 because of sale of immovable property, Rs.11.00 lakhs were received as an earnest money, which was kept in the locker and the applicant deals with the business of sale of scrap paper and he has nothing to do with the other co-accused, K.K. Yadu. He would further submit that the applicant has wrongly been inculpated and he is not a public servant and false allegations have been attributed. It is further submitted that charge-sheet in this case has been filed, therefore, the counsel prays that the applicant may be extended the benefit of anticipatory bail.
4. Per contra, the learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the documents as also the statement of Mahendra Giri, who was the alleged purchaser to whom the notice was issued, wherein it is stated that cash which was given were not having any seal and slip of bank, whereas, the recovery of notes were having seal and slip of bank. Considering this fact, the nature of allegation and the primary evidence available against the applicant, it is not a case, where the benefit of Section 438 of Cr.P.C. can be extended to the applicant as it can not be stated that custodial interrogation of the applicant may not be required. Therefore, I am not inclined to grant anticipatory bail to the applicant.
6. Accordingly, the anticipatory bail application is dismissed.

Sd/-
(Goutam Bhaduri)
Judge