

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 926 of 2016**

Madhurima @ Riya Shukla D/o N.P. Shukla (Wrongly Mention S/o In Order Sheet) Aged About 41 Years R/o Aditya Heights, House No. B/301, 3rd Floor, Telibandha, Raipur, District-Raipur Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Police Station-Anti Corruption Bureau, State Economic Offences Investigation Bureau, Raipur Chhattisgarh.

---- Respondent

For applicant – Smt. Fouzia Mirza, Advocate.
For Respondent/State – Shri Anil S. Pandey, G.A.

Hon'ble Shri Justice Goutam Bhaduri**Order****2/12/2016**

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending her arrest in connection with Crime No. 17/2015 registered at Police Station Anti Corruption Bureau, State Economic Offences Investigation Bureau, Raipur (C.G.) for offence punishable under Sections 109, 120B of Indian Penal Code and Sections 13(1)(e) and 13(2) of Prevention of Corruption Act.

2. As per the prosecution case, on a raid being conducted in the house of one Shiv Shankar Bhatt who was working in the Civil Supplies Corporation and from his brief case three photo copies of the sale deeds, few bills were recovered. Said sale deeds were in the name of the present applicant. It is case of the prosecution that the applicant was in relation with Shiv Shankar Bhatt and out of the ill gotten money certain benefits were also passed to the applicant who also worked in the department from

the period 26/02/2005 to 2/02/2009. It is further alleged that from the applicant certain cash were also recovered which was given by the other co-accused Shiv Shankar Bhatt. Thereby, offence has been committed.

3. Learned counsel for the applicant submits that only on the basis of photo copy of the sale deed were recovered when raid was conducted on 12/02/2015, 13/02/2015, 14/02/2015 and 19/02/2015 and the sale deeds dated 10/07/2012, 26/11/2010 and 2/03/2013 were seized. Therefore, only on presumption the applicant is being inculpated. It is further submitted in respect of the jewellery which is stated to be seized, there is no iota of evidence is available to connect the present applicant that it was purchased by the amount given by Shiv Shankar Bhatt the other co-accused. It is further submitted that the account book of the branch that was in the name of the applicant and without any evidence bald allegations have been attributed, entire amount was given by the other co-accused and she was the beneficiary. It is further submitted that it is a case of no evidence and the applicant who runs Orima Beauty Parlour she of her own and from the ancestral property she has acquired the property, it cannot be stated to be given by the other co-accused and income tax has been paid to the extent opening balance of Rs.40 lakhs, therefore the applicant may be granted benefit of anticipatory bail.

4. Learned State counsel opposes the prayer for grant of anticipatory bail. It is contended that the applicant was working as Junior Assistant in Civil Supplies Corporation from 2005 to 2009 wherein she got salary and from the beauty parlour from 2009 to 2014-2015 income tax department has assessed income of Rs.14,52,010/- and from the agricultural income Rs.12,000/- has been assessed and total income assessed at Rs.24,74,894/-. He also went through the statement of Deepak Nagar

wherein certain ornaments which was alleged to be given by the present applicant to Deepak Nagar to do away with the ornaments when raid was conducted. It is submitted that that applicant was also beneficiary and therefore benefit of anticipatory bail may not be extended.

5. Perused the case diary and the documents. Perusal of the documents it indicates that when raid was conducted in the house of Shiv Shankar Bhatt from his brief case photo copy of the three sale deeds were recovered which were in the name of the applicant. Further certain air tickets, bills were also recovered which was of brother of applicant. It is alleged that said purchases were made by other co-accused Mr. Bhatt in the name of the applicant. Admittedly, the income and the amount which was assessed to be income of the applicant exceeds much above property assessed as the property of this applicant have been valued to Rs.1,60,78,090/-. Recovery of the said copy of the sale deed from the brief case of the other party also do not inspire confidence of innocence as they are normally private in nature. Further statement of Sanjay Dhariwal also goes to show that expenses in respect of the interior decoration of the Orima Beauty Parlour, which is owned by present applicant was given by Shiv Shankar Bhatt who is government officer and is co-accused. Statement of Deepak Nagar, who is also known to the applicant also shows that ornaments were handed over to him while raid was conducted. Subsequently the ornaments were seized from him. The ornaments were worth more than Rs.13 lakhs. Taking into nature of allegation and the evidence which is collected, prima facie taking into evidence collected, I am not inclined to extend benefit of anticipatory bail to the applicant as the criteria for grant of anticipatory bail is completely different.

6. Accordingly, the anticipatory bail application is dismissed.

Sd/-
(Goutam Bhaduri)
JUDGE