

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 1095 of 2018**

Shivshankar Bhatt S/o Sheri Ram Manohar Bhatt Aged About 59 Years R/o Manager Nagrik Apoorti Nigam Head Quarter Awanti Vihar, Raipur, R/o HIG 1/138 Sector-1, Pandit Deendayal Upadhyay Nagar, P.S. D.D. Nagar, Raipur, Chhattisgarh, District : Raipur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Anti Corruption Bureau, Raipur, Chhattisgarh.

---- Respondent

For the Applicant : Shri Mukesh Sharma, Advocate.
For the Respondent/State : Shri Anil S. Pandey, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****17.04.2018**

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.17 of 2015, registered at Police Station – Anti Corruption Bureau, Raipur, District – Raipur, Chhattisgarh for the offence punishable under Sections 13(1)(e) read with Section 13(2) of the Prevention of Corruption Act, 1988.

2. Learned counsel for the applicant submits that the applicant is in jail since 20.3.2015 and has been falsely implicated in this case. It is submitted that the applicant was arrested in connection with other case i.e. Crime No.9 of 2015, registered by C.G.E.O.W. for the offence punishable under Sections

13(1)(d) read with Section 13(2) of the Prevention of Corruption Act, 1988 on 12.2.2015 and since then, he is in jail. Another raid was conducted in the residential premises of this applicant and on that basis, another Crime No. 17 of 2015 was registered in which formal arrest was made on 29.7.2016 and the investigation is complete. In this case, an amount of Rs.1,62,97,500/- was recovered from the office chamber of this applicant, which has been included as his personal property and on that basis, it is claimed that the applicant was in possession of disproportionate assets whereas he has explained each and everything, however, his explanation was not taken into consideration by the Investigation Agency. After filing of charge-sheet, the trial has commenced. Out of 35 witnesses, only 3 witnesses have been examined so far, within a period of 1 ½ years and the trial is taking very long time. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that Crime No. 9 of 2015 was registered by C.G.E.O.W. against this applicant on the basis of recovery of Rs.1.63 crores from the chamber of this applicant. In the second case registered as Crime No.17 of 2015 during investigation, it was found between the check period from 1.4.2005 to 4.3.2015 that the income from lawful sources of this applicant was Rs.1,27,10,030/- whereas his expenditure was Rs.3,89,78,342/-, thus the said expenditure is disproportionate to the tune of 6.06%. On the basis of the evidence present in the case-diary, it is very clear that this applicant is going to be convicted in this case and further, two more criminal cases in connection with Crime No. 52 of 2006 under Sections 13(1) read with Section 13(2) of the Prevention of

Corruption Act, 1988 and Crime No. 9 of 2015 under Sections 13(1)(d) read with Section 13(2) of the Prevention of Corruption Act, 1988 have been registered against this applicant. Hence, the applicant is not entitled for grant of regular bail.

4. Heard counsel for both the parties and perused the case diary.

5. According to the prosecution case, the applicant was posted as General Manager, Nagrik Aapoorti Nigam, State of Chhattisgarh, with its headquarter at Raipur. It is alleged that during the check period, he has amassed huge wealth by corrupt practices and misusing his position as public servant and the details have been given in the submissions made by the State counsel. The case is presently before the trial Court and it is apparently clear that the progress of trial with the applicant is slow, which is likely to take a long time for its completion looking to the number of witnesses who are remaining to be examined. It is further submitted by counsel for the applicant that this applicant has filed an application for bail in Crime No.9 of 2015 before the Supreme Court of India, which is pending and the other co-accused persons have been granted bail by the Hon'ble Supreme Court. Hence, this applicant is also hopeful that he will be granted bail. In the present case for the reason that the trial is getting delayed and there is no likelihood of his absconsion, I feel inclined to grant regular bail to the applicant.

6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

7. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nimmi