

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 196 2018**

Shantilal Gupta, S/o. Kanhaiya Lal Gupta, Aged About 62 Years,
 Profession Pensioner (Ret.SDO) Water Resource Department Khadgava
 District Koriya Chhattisgarh. R/o House No. 10/1 L.P. Bhargav Nagar
 Ujjain M. P.

----Applicant**Versus**

State Economic Offences, Investigation Bureau Telibandha, Raipur
 Chhattisgarh.

---- Respondent

For Applicant : Mr. Kishore Bhaduri, Advocate with
 Mr. Pawan Kesharwani, Advocate

For Respondent/State : Mr. Anil S. Pandey, Govt Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****18/07/2018**

1. Apprehending arrest in connection with Crime No.40/2016, registered at Police Station – State Economic Offences Investigation Bureau Telibandha, Raipur, District– Raipur (C.G.) for offence punishable under Section 13 (1) (e), 13 (2) of the Prevention of Corruption Act, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. No case is made out against him. In this case even the raid has not been conducted in the house premises of this applicant. Faulty investigation has been done including the property of wife, two sons of this applicant, who have their own source of income and their own acquisitions. The explanation given by this applicant to the investigation officer

has not been taken into consideration. Apart from that after filing of the charge-sheet, there is no requirement of any custodial interrogation of this applicant. Therefore, it is prayed that the applicant may be enlarged on anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect. During the investigation, it has been found that during the check period from 01.02.1995 to 23.04.2016, the earning of this applicant from the lawful sources is Rs.1,44,16,651/-, whereas his expenditure was 2,16,34,131/-, which was 49.53% in excess and thus disproportionate. Hence, looking to the evidence against this applicant, he is not entitled for grant of bail.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. The applicant was appointed as Junior Engineer in the year 1977 and subsequently he was promoted to the post of SDO Water Resources Department in the year 2014 and has retired in the year 2016. The prosecution has been launched against him with allegation that he has amassed disproportionate assets during his tenure as public servant. Hence, this case
6. Considered the submissions made and the contents of the case diary. Considering the fact that he was never arrested by the respondent during the pendency of investigation and he has continued to perform his duties in the respective posts till date he retired and further the charge-sheet has already been filed, hence for this reason, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.

7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
8. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on executing a personal bond in 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 himself 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 him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge