

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 406 of 2018**

Anand Pandey S/o Shri A.P. Pandey Aged About 49 Years R/o- House No. 110, Jabdapara, Sarkanda, Bilaspur, Tahsil And District- Bilaspur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through- State Economic Offences Investigation And Anti Corruption Bureau, Raipur, District- Raipur, Chhattisgarh.

---- Respondent

For the Applicant : Shri Awadh Tripathi, Advocate.
For the Respondent/State : Shri Anupam Dubey, Dy. G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****22.06.2018**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.

2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicant who is apprehending arrest in connection with Crime No. 34 of 2016, registered at Police Station – State Economic Offences Investigation & Anti Corruption Bureau, Raipur, District – Raipur, Chhattisgarh for the offence punishable under Section 13(1)(e) read with Section 13(2) of the Prevention of Corruption Act, 1988.

3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case. In the investigation conducted by the respondent, the assets belonging to the father, brother and wife of the

brother have been erroneously and deliberately included to show huge income of the applicant. The applicant admits that the house was purchased by him in share with his father in the year 1995 for which he had contributed Rs.1,35,720/- which is shown to be of Rs.50,00,000/- in current value. No case is made out against the applicant on the basis of the material placed before the Court by the prosecution. The applicant is still working as Project Officer and has not been placed under suspension by the department. Hence, it is prayed that the applicant be benefited with grant of anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that this applicant has amassed wealth by corrupt practices. According to the investigation made in this case, the property belonging to this applicant is disproportionate to the tune of 148.58%. Hence, looking to the gravity of offence, the applicant is not entitled for grant of anticipatory bail.

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

6. On 22.4.2016, a raid was conducted in the premises of the applicant and the FIR was lodged on the same day. During investigation, it was found that the income of the applicant from legal sources was Rs.3,68,59,937/- for the check period from 1.4.2005 to 23.4.2016. The expenditure was calculated at Rs.9,11,91,458/-. Hence, the case of disproportionate assets was registered against the applicant.

7. Considered the material in the case-diary and also perused the documents present alongwith this application in this case. It appears that the applicant has a defensible case. Hence, after due consideration, I am of the considered view that the present is a fit case where the applicant should be benefited with grant of anticipatory bail.

8. Accordingly, the anticipatory bail application is allowed and 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. He 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 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.'

Sd/-

(Rajendra Chandra Singh Samant)
Judge