

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 546 of 2018

- Dilip Kumar Sharma S/o Late Shiv Dayal Sharma, Aged About 56 Years, R/o K.P.S. Road, Behind Medical Complex Devpuri Raipur, P.S. Tikrapara, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Superintendent of Police, Economic Offence Wing / Anti Corruption Bureau, Raipur District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Non-applicant

For Applicant – Mr. Aditya Tiwari, Ms. Shivali Dubey and Mr. Peeyush Bhatia, Advocates.

For Non-applicant/State – Mr. Anupam Dubey, Deputy Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

19-07-2018

1. Apprehending arrest in connection with Crime No.15/2015, registered at Police Station – Economic Offence Wing / Anti Corruption Bureau, Raipur District Raipur, C.G. for offence punishable under Section 13(1)(e) R/W 13(2) of Prevention of Corruption Act, 1988, the applicant has preferred this application for grant of anticipatory bail.

2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. Income of this applicant has been wrongly calculated by the investigating Officer, some of the land were ancestral which have been shown as the property acquired by this applicant during his service career and apart from that the property belonging to other family members of this applicant have also been included. The explanation that was given by this applicant to the I.O. was not taken into consideration and the investigation has been completed, although charge sheet has not been filed till date. He was never arrested in this case although he was available and at this stage when the charge sheet is due to be filed to the Court, no purpose would be served if he is arrested and placed in detention. Hence, it is prayed that this applicant

may be benefited with grant of anticipatory bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that this applicant has amassed huge wealth which is 92% excess from his income from lawful sources. Apart from that, cash of Rs.22,96,150/- was recovered from the house of this applicant and Rs.80,720/- was recovered from his office. He has not given any satisfactory explanation. Hence, looking to the evidence against this applicant, he is not entitled for grant of bail.

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

5. The case against this applicant is this, that being designated as In-charge warehouse of State Warehouse Corporation he has during his tenure starting from 01-11-2004 to 12-02-2015 amassed huge wealth by misusing his position as public servant. His income from lawful sources was Rs.50,09,673/-, whereas, the expenditure and acquisition made by him were of worth Rs.1,48,60,243/-. Hence, this case.

6. Considered on the material present in the case diary. As it appears that this applicant was never arrested in this case during pendency of the investigation and presently the investigation is complete and there appears to be no requirement of any custodial interrogation of this applicant, hence, no purpose would be served if he is arrested and kept in detention, I am of this opinion that this applicant should be benefited with grant of anticipatory bail.

7. Accordingly, the anticipatory bail application is allowed. 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.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge