

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 754 of 2018**

Anand Rao Naidu, S/o. Late Shri K. Ramlu Naidu, Aged About 52 Years,
 Posted than As Forest Range Officer Manpur District- Rajnandgaon Under
 Divisional Forest Officer Resident Of Qtr No. 347 Street 1 Smriti Nagar
 Bhilai, District- Durg, Chhattisgarh.

----Applicant

Versus

State Of Chhattisgarh, Through- E.O.W/A.C.B. District- Raipur,
 Chhattisgarh.

---- Respondent

For Applicant : Mr. P.K.C. Tiwari, Sr. Advocate with
 Mr. Ashutosh Trivedi, Advocate

For Respondent/State : Mr. Anupam Dubey, Dy. G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****10/08/2018**

1. Apprehending arrest in connection with Crime No.48/2016, registered at Police Station – Anti-Corruption Bureau, Raipur, District – Raipur (C.G.) for offence punishable under Section 13 (1) (e) and 13 (2) of 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. The assets that were added in inventory in the raid conducted by the respondent also includes the assets of his wife and adult son, who had separate sources of income. In Form No.1, 2 & 3, the applicant has explained each and every acquisition of the assets, but that has

been disbelieved by the investigation officer. Charge-sheet in this case has been filed before the trial Court. Subsequent to raid conducted on 03.06.2016, the applicant was never arrested and he has fully cooperated with the investigation done by the respondent. Hence, for these reasons, 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. It is submitted that the applicant has amassed huge wealth by using his position as public servant and the value of assets found in his possession was found disproportionate to the tune of 82%, therefore, he is not entitled to be released on anticipatory 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 clerk in the forest department and through promotion he was working as Range Officer on 03.06.2016 on the date raid was conducted in his premises. On the basis of the assets found in his possession, calculation has been made by the investigation officer according to which, the income from the lawful sources was Rs.67,56,520/-, whereas his expenditure was Rs.1,28,09,054/-. Hence, this case.
6. Considered the submissions made and the contents of the case diary. Considering on all the material present in the case diary and as the charge-sheet has been filed and it appears that there is no requirement of any custodial interrogation of the applicant, further he is a public servant and he has been never arrested by the respondent during the pendency of the investigation and presently

he has to face trial, hence for these reasons, 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