

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRCA No. 1030 of 2018**

- Ramesh Kumar Sharma S/o Late Shri Satyanarayan Sharma, Aged About 59 Years, R/o- C/17, Sector-1 Avanti Vihar Colony, Telibhandah, Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

**---- Applicant**

**Versus**

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

**---- Non-applicant/Respondent**

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For Applicant – Shri Kishore Bhaduri and Shri Pawan Kesharwani, Advocates.  
For Non-applicant/State – Shri Anupam Dubey, Deputy Govt. Advocate.

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

**Order on Board**

**30-08-2018**

1. Apprehending arrest in connection with Crime No.43/2016, registered at Police Station – Anti Corruption Bureau/ State Economic Offences Investigation Bureau, Raipur (C.G.) ACB/EOW, Raipur (C.G.) for offence punishable under Section 13(1)(e), 13(2) of Prevention of Corruption Act, 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. During pendency of the investigation the applicant had filed Writ Petition (Cr.) No.223 of 2018 in which order dated 11-04-2018 was passed by this Court to take into consideration all the material supplied by the applicant before coming into conclusion about prosecuting the applicant. It is submitted that, that order has not been complied with and the assets of son and wife of the applicant has also been added to the assets of the applicant and the properties have been over-valued to make out a case of disproportionate assets against the applicant. The applicant was at liberty all the time and he was never arrested by the respondent though available and even after the filing of the charge sheet he has been asked to appear before

the concerned Court which shows that there is no requirement of his arrest and detention. Hence, it is prayed that the applicant may be benefited with grant of anticipatory bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that the applicant in the capacity of public servant has amassed huge wealth by misusing his position and receiving illegal gratification from the concerned. The assets found in his possession are disproportionate to the tune of 91.93% and there had been recovery of Rs.4,57,000/- in cash from his residence which is not explained. Hence, the applicant is not entitled for grant of anticipatory bail.

4. In reply, learned counsel for the applicant submits that the cash that has been recovered belongs to the son of the applicant who is contractor and had kept the amount for making labour payment.

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

6. A raid was conducted by the respondent in the premises of the applicant on 03-06-2016. After preparing inventory of all the articles found in his place of residence the investigation has been completed. According to the calculation made in the investigation the income from lawful sources of the applicant was found to be Rs.1,88,66,464/-, whereas, his expenditure were found to be Rs.3,62,10,574/-, on this basis, a conclusion has been drawn that the applicant has misused his position and amassed huge wealth.

7. Considered on the material present in the case diary. It appears that now the investigation is complete. The applicant was never arrested and he has continued in his position from the very beginning performing his duties continuously till date. Hence, under these circumstances, there appears no requirement of detention of the applicant and he is ready to face the trial, hence, for these reasons, I am of this opinion that this applicant should be benefited with grant of anticipatory bail.

8. 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.

9. Certified copy as per rules.

Sd/-  
**(Rajendra Chandra Singh Samant)**  
Judge