

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 1086 of 2018**

Vijay Kumar Anant, aged about 62 years, S/o late Sakharam Anant,
R/o. Plot No. 723-724, Sunder Nagar, Raipur, Tahsil and District
Raipur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer Police Station
State Economic Offence Investigation Bureau, Raipur Chhattisgarh.

---- Respondent

For the Applicant : Shri Y.C. Sharma, Advocate.
For the Respondent/State : Shri Anil S. Pandey, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****22.11.2018**

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.1 of 2006 registered at police station State Economic Offence Investigation Bureau, Raipur, District Raipur, Chhattisgarh for the offence punishable under Sections 13(1)(E) and 13(2) of the Anti Corruption Act, 1988.

3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case. The investigation that has been conducted in this case has not been fair as the explanation given by the applicant was not

taken into consideration at all. All the acquisitions by the applicant have been informed and the purchases have been made with permission of the department. In the investigation in this case, the property in possession of the applicant has been over valued and also include the lands that were purchased after making sale of the ancestral land. Hence, the applicant is in a position to explain that each and every asset was lawfully acquired. It is further submitted that the applicant has never been arrested by the respondent though he was available and present on duty all the time. Subsequent to filing of charge-sheet, 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 the applicant has misused his position and has amassed wealth by corrupt practices. According to the investigation made in this case, the applicant is being prosecuted for the offences of having disproportionate assets which is 190% excess to the income from lawful sources. Hence, for these reasons, the anticipatory bail application of the applicant be rejected.

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

6. The applicant was working as a Transport Inspector. During the investigation, calculation has been made for the determined check period and it was found that the income from lawful sources of the applicant was Rs.56,19,797/- whereas, his expenditure was Rs.1,62,52,369/-. Hence, this case.

7. Considered the entire material present in the case-diary. Though the applicant was available, he was not arrested by the respondent during the pendency of the investigation and the applicant is apprehending arrest only on the basis of the process issued by the Court. Hence, there appears to be no reason to place the applicant in detention as the charge-sheet is filed, I feel inclined to grant anticipatory bail to the applicant.

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. 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 them 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