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HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1294 of 2018

- Awinash Gunjal S/o Late Shri B. M. Gunjal, Aged About 58 Years, R/o B-139, Shankar Nagar, Raipur District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Economic Offences Investigation Bureau, Raipur District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Non-applicant

For Applicant – Shri Pawan Kesharwani, Advocate.
For Non-applicant/State – Shri N.K. Mehta, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order on Board

24-10-2018

1. Apprehending arrest in connection with Crime No.03/2017, registered at Police Station – E.O.W., 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. A totally false case has been registered against the applicant. The applicant has cooperated in the investigation and has submitted form No.1, 2 and 3 as required explaining about each and every acquisition which has been shown to be in his possession, but the same has not been considered by the Investigating Officer. The income of wife of the applicant has also been included in the expenditure of the applicant, whereas, the wife of the applicant is a qualified doctor and has her own earnings and she has also a tax payer. Hence, no case is made out against this applicant. Therefore, it is prayed that he may be benefited with grant of anticipatory bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that the applicant has amassed huge wealth by misusing his

position as public servant, hence, he is not entitled for grant of anticipatory bail.

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

5. The applicant is Executive Director of Industrial Safety and Health, posted in Raipur. A raid was conducted on 14-02-2017 by E.O.W., subsequent to that during investigation it has been discovered that income from lawful source of the applicant had been Rs.2,17,83,132/- for the check period between 1986 to 14-02-2017, whereas, his expenditure was Rs.3,38,50,132/- which was disproportionate to the tune of 53%. Hence, this case.

6. Considered on each and every material present in the case diary. As it appears that the applicant had been at liberty throughout and the respondent has not made any attempt to arrest him, apart from that, after due consideration, I am of this opinion that the 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

Aadil