

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7788 of 2018

- Madhurima @ Reema Shukla D/o N.P. Shukla, Aged About 41 Years, R/o Aditya Heights, House No. B-301, Third Floor, Telibandha, Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

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

----Non-applicant

For Applicant – Shri Surendra Sharma and Shri Goutam Khetrapal, Advocates.
For Non-applicant/State – Shri Ashish Shukla, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

10-10-2018

1. As learned counsel for the State submits that the case diary is available, hence instead of grant of interim bail to the applicant, the main application is being disposed off.
2. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 04-10-2018 in connection with Crime No.17/2015 registered at P.S. - State Economic Offence Investigation Bureau / Anti Corruption Bureau, Raipur, District- Raipur, Chhattisgarh for the offence under Section 13(1)(e), 13(2) of Prevention of Corruption Act, 1988 and Section 109, 120-B of the IPC.
3. It is submitted on behalf of the applicant that the applicant is in jail since 04-10-2018. She has been falsely implicated in this case and she has no connection with the offence as alleged to have been committed by her. The applicant was in service of Nagrik Aapurti Nigam from 28-02-2005 to 02-02-2009 and thereafter she has resigned and is running her own business of beauty parlor. All the assets that has been found in her possession are her own

income which have been valued exorbitantly to make a case of disproportionate assets. There is no ground to prosecute this applicant under the provisions of Prevention of Corruption Act, it may be a case of tax evasion, but it is not a case as made against her. Hence, it is prayed that this applicant may be granted regular bail.

4. Learned counsel for the State/non-applicant opposes the application submitting that this applicant has been employed in Nagrik Aapurti Nigam and one Shivshankar Bhatt, Manager of the Nagrik Aapurti Nigam developed intimacy with her, thereafter he has committed huge defalcation in the funds of the Nagrik Aapurti Nigam. It is alleged that Shivshankar Bhatt has entrusted huge amount acquired by defalcation to this applicant, which has been used by her to purchase properties and for this reason she is intended to be prosecuted for possessing disproportionate assets. Hence, no case is made out for grant of bail.

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

6. On raid conducted in the premises of this applicant on 12-02-2015 and on the basis of articles found in the inventory the investigation has been conducted. It has been found that the total income from legal sources of this applicant was Rs.24,74,894/-, whereas, she has made expenditure of Rs.1,85,52,984/-, thus, the property in her possession is disproportionate to the tune of Rs.1,60,78,090/-, regarding which she has submitted no satisfactory explanation. Hence, this case.

7. On due consideration on the entire material present in the case diary and taking into consideration this fact that this applicant was not a public servant on the date on which the raid was conducted in her place of residence, and also that charge sheet has been filed in this case, I feel inclined to allow this application.

8. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicant shall be released on bail on her furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for her appearance as and when directed.

9. The case is disposed off at motion stage.

10. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge