

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1435 of 2018

- Alka Agrawal W/o Alok Kumar Agrawal, Aged About 41 Years, R/o Opposite To Girla Hostal, Parijat Extension Nehru Nagar Bilaspur, Tahsil And District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- Enforcement Directorate Government Of India Through Sreekant Purohit, Assistant Director, Enforcement Directorate, Raipur Sub Zonal Office, A1 Block Pujari Complex New Dhamtari Road Pachpedi Naka, Raipur District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Non-applicant

For Applicant – Shri Satish Chandra Verma, Advocate.

For Non-applicant – Dr. S. K. Pandey, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

04-12-2018

1. Apprehending arrest in connection with Complaint Case No.27/2015, filed by the respondent for her trial in offences under Section 13(1)(e) and 13(2) of Prevention of Corruption Act, 1988 and Section 109, 120(b), 420, 467, 468, 471 of the IPC, the applicant has preferred the application for grant of anticipatory bail under Section 438 of the Cr.P.C.

2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case and also it is a case of double jeopardy for the reason that Anti Corruption Bureau has already investigated the case in which the applicant has been granted bail, thus, the Enforcement Directorate (in short 'E.D.') has no right to take back the applicant in custody. It has been assumed that all the assets illegally amassed by the husband of the applicant came to the applicant for money laundering. The applicant has her own sources of income and she has filed copy of the income tax returns before the investigating agency showing her income and assets, but that has not been taken into consideration. Therefore, the applicant is in position to prove her innocence, hence, it is prayed that she may be granted anticipatory bail.

3. Learned counsel for the non-applicant/Respondent opposes the application and submits that it is a case of Section 3 of Prevention of Money Laundering as there is evidence that this applicant has made use of the illegal acquisition of the main accused/her husband and channelized the same to run her shop etc. showing exorbitant income from her enterprises. It is mentioned in the complaint about the unnatural growth of the capital of this applicant which clearly indicates her involvement in commission of offence. There is evidence present according to the ingredients of offence against her. Therefore, she is not entitled for grant of anticipatory bail.

4. In reply, learned counsel for the applicant submits that there is no evidence in the case against this applicant. A case is set out against this applicant and co-accused by the Anti Corruption Bureau which is based on similar facts in which this applicant has been benefited with grant of bail, therefore, the application may be allowed.

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

6. The case against the applicant is briefly discussed hereinabove that she has used and channelized the illegal income of her husband Alok Agrawal in her own business showing unnatural growth of assets and capital to legalise the same.

7. Considered on the entire material present in the case diary and the submissions made by the counsel for both the sides. A case against this applicant and co-accused has been registered by the Anti Corruption Bureau/ EWO, Raipur, in which, this applicant has been benefited with grant of anticipatory bail in MCRCA No.1166/2015 vide order dated 08-02-2016, therefore, in the light of this order in her favour and for the reason that facts of the case are similar, I feel inclined to allow this application.

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,

she shall be released on bail by the officer arresting her 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 herself 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 her by the said Court till disposal of the trial.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge