

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 1159 of 2017**

M.M. Joshi, S/o. G. D. Joshi, Aged About 48 Years, Occupation -Service,
R/o. New Rajendra Nagar, Raipur, District- Raipur, Chhattisgarh.

----Applicant

Versus

State Of Chhattisgarh, Through : State Economic Offence Wing, Raipur
Chhattisgarh.

---- Respondent

For Applicant	: Ms. Pritha Ghoshal, Advocate
For Respondent/State	: Mr. Anupam Dubey, Dy. G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**06/04/2018**

1. Apprehending arrest in connection with Crime No.07/2016, registered at Police Station – State Economic Offence Wing (Anti Corruption Bureau), Raipur, District – Raipur for offence punishable under Section 13 (1) (e) & 13 (2) of the Prevention of Corruption Act, 1988, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The investigation has not been made in fair manner and by giving the applicant proper opportunity of explanation regarding the facts and circumstances with respect to the assets that has been taken into consideration. The property belonging to father, mother and wife of the applicant, which is separate property has been included as

assets of this applicant. This applicant was compelled to file a writ petition bearing W.P.(Cr.) No.326/2016, before this Court in which by order dated 01.05.2017, the respondent/investigation agency was directed to consider the representation of this applicant, but his representation has not been considered at all. Further development that has taken place is this the Law and Legislative Affairs Department, State of Chhattisgarh has twice refused to grant sanction for prosecution of the applicant on the ground that investigation has not been completed, whereas, the respondent/investigation agency claims that now the investigation is complete. No case is made out against this applicant. Therefore, it is prayed that, the applicant may be benefited with grant of anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of anticipatory bail and the submission made in this respect. It is submitted that the FIR was lodged 15.01.2016 and on that basis raid was conducted in the premises of this applicant on 16.01.2016 an inventory was made regarding all the articles and assets found in the possession of the applicant. Check period was fixed from 01.04.2003 to 16.01.2016. It was found in the investigation that the income of this applicant from the lawful sources was Rs.1,51,62,685/-, whereas his expenditure was Rs.2,51,50,111/-, thus the assets in his possession were disproportionate to the tune of 66%, hence, the applicant is not entitled for grant of anticipatory bail.
4. I have heard the learned counsel for the parties and perused the case diary and the documents.

5. The case against the applicant is briefly stated herein above in the submissions made by both the parties.
6. Considered the submissions made and the contents of the case diary. The applicant is still serving as Deputy Director, Hand-loom in Gramodyog Raipur he has not been placed under suspension nor any attempt has been made to arrest him so far. According to the claim made by the investigation agency that investigation is complete, whereas the Law and Legislative Affairs Department, State of C.G. has still not granted any sanction for prosecution, hence under these circumstances, this Court is of the opinion that it is a fit case, where the applicant should be extend the benefit of Section 438 of Cr.P.C.
7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
8. 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram