

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****M.CR.C.(A). No. 1588 of 2018**

Shailendra Nath Shrivastava, S/o. R.N. Shrivastava, Aged About 59 Years,  
R/o. Vista Colony, VIP Amlidih, Raipur, Police Station- New Rajendra  
Nagar, District- Raipur, Chhattisgarh.

**----Applicant****Versus**

State Of Chhattisgarh, Through : The In-Charge, Anti Corruption Bureau,  
Raipur, Chhattisgarh.

**---- Respondent**


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| For Applicant        | : Mr. Goutam Khetrapal, Advocate with<br>Mrs. Ansuiya Rajput, Advocate |
| For Respondent/State | : Mr. Ashish Shukla, G.A.                                              |

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant****Order On Board****01/12/2018**

1. Apprehending arrest in connection with Crime No.44/2016, registered at Police Station – Anti Corruption Bureau, Raipur, District – Raipur (C.G.) for offence punishable under Section 13(1) (e), 13 (2) of 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 calculation that has been made by the ACB, showing the applicant erroneously to be in possession of disproportionate assets whereas, the applicant has submitted Forms 1, 2 & 3 to explain each and every

income, which was found while conducting the raid in his premises. The wife of the applicant is a qualified doctor, she has on her own earning, which is about more than Rs.1.50 Crores. The income tax returns regarding the same has not been taken into consideration. Similarly, the income of the son of the applicant has also been shown as the assets of this applicant. The applicant was never arrested during the pendency of investigation. He is still holding the post of Chief Engineer in Pradhan Mantri Gram Sadak Yojana. Therefore, it is prayed the applicant may be enlarged on anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect. It is submitted that in the investigation, disproportionate assets have been found in the possession of this applicant, which are to the tune of 99%. The investigation is almost complete and the matter is pending for sanction for filing the prosecution against the applicant. Hence, the application for grant of anticipatory bail be rejected.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. The applicant was appointed as Assistant Engineer in the year 1985 and on the relevant date i.e. 02.06.2016, he was posted as Chief Engineer, P.M.G.S.Y. After conducting the raid on 02.06.2016, the assets that were found in possession of the applicant have been taken into calculation and on the basis of check period between the year 1999 to 2016, it has been found that the income from lawful sources were Rs.2,45,64,184/-, whereas his expenditure was Rs.4,89,19,320/-. Hence, this case.

6. Considered the submissions made and the contents of the case diary. Considered on the material present in the case diary and also considering the submissions made and grounds raised by the applicant in support of this application. As the applicant is still working on his substantive post and he was never arrested, though the respondent had all the opportunity to arrest him and also for the reason that the investigation is now complete and there does not appear any reason for his custodial interrogation, hence for this reason this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.
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