

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1647 of 2018

- Suresh Kumar Pandey S/o Radhika Prasad Pandey, Aged About 52 Years, Posted As Executive Engineer, R/o Yash Villa, Professor Colony, Nehru Nagar,(West), Bhilai, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- Applicant

Versus

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

---- Non-applicant

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

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

12-12-2018

1. Apprehending arrest in connection with Crime No.37/2015, registered at Police Station – Anti Corruption Bureau, Raipur, District- Raipur, Chhattisgarh 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 this is second application filed by the applicant for grant of anticipatory bail, his first application MCRCA NO.729/2018 was dismissed as withdrawn by the applicant for the reason that the applicant was informed that the respondent intends to file closure report in this case. In the later on development the applicant has again been informed that charge sheet is going to be filed against him. It is submitted that no case is made out against this applicant. The investigating officer has not taken into consideration the representation made and the explanation given by the applicant. The house of brother of the applicant has been shown as asset of this applicant erroneously and deliberately. Wife of the applicant runs a beauty parlor from 1997 and she is

income tax payer, her income during the check period was Rs.2,73,00,000/-, on the basis this explanation given the Investigating Officer has taken only Rs.1,00,00,000/- of that income and left the rest of the income, which is inappropriate. This applicant was always available to the investigation agency, but he was never arrested or detained. Further, for the reason that now the investigation is complete and there is no requirement of any custodial interrogation or detention of the applicant, it is prayed that this applicant may be benefited with grant of anticipatory bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that the applicant by misusing his position as public servant has amassed huge wealth through unlawful means which is disproportionate to the tune of 141.65%. Therefore, he is not entitled for grant of anticipatory bail.

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

5. The applicant was appointed as Sub-Engineer in Irrigation Department. While continuing in service he was promoted to the post of Executive Engineer. On 20-07-2015 the respondent conducted a raid in the housing premises of the applicant. Thereafter, the investigation has been made. It was found that during the check period between 01-04-2000 to 20-07-2015 the income from lawful sources of the applicant was Rs.1,83,59,294/- whereas, his expenditure was Rs.4,76,70,292/-, therefore, a case of amassing disproportionate assets through unlawful sources has been registered against the applicant.

6. Considered on the entire material present in the case diary. The grounds raised by the applicant have substance which he may use in his defence, further for the reason that the applicant is still performing his duty and has not been placed under suspension and also for the reason that he was always available and was not arrested by the respondent during pendency of the investigation against him, hence, I feel inclined to allow this application.

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