

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 451 of 2019

- Ramanand Divya S/o Late Shri Panchram Divya, Aged About 62 Years, Retired Chief Engineer, Minimata Hasdeo Bango Pariyojana, Water Resources Department Bilaspur, District- Bilaspur, Chhattisgarh, R/o C-47, Aishwarya Kingdom, Kanchna, Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

- The State of Chhattisgarh Through Anti Corruption Bureau, Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Non-applicant

For Applicant – Shri Harsh Wardhan Parganiha and Shri Rajat Agrawal, Advocates.

For Non-applicant/State – Shri H.S. Ahluwalia, Deputy Advocate General.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

28-03-2019

1. Apprehending arrest in connection with Crime No.36/2017, registered at Police Station – Anti Corruption Bureau, Raipur, District- Raipur, Chhattisgarh for offence punishable under Section 13(1)(e) and 13(2) of Prevention of Corruption Act, 1988 and under Section 464, 465, 467, 468, 470 and 471 of the IPC, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. No case is made out against this applicant. The applicant was appointed to the service in Water Resources Department in the year 1982 and has continued the same till his superannuation. A raid was conducted on 13-11-2017 in the premises of the applicant and the inventory was prepared of the articles and assets found in possession of the applicant. While investigating the case, the respondent have erroneously added income and assets of relatives and wife of the applicant, regarding which he had submitted explanation in the form as required and provided, but that was not taken into consideration. Therefore, it is prayed that the applicant may be

benefited with grant of anticipatory bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that there is serious allegation against the applicant with respect to forging some documents showing back dated transfer of assets regarding which there is evidence in investigation. Therefore, it is prayed that the application may be rejected.

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

5. The applicant was Chief Engineer in Water Resources Department at the time the raid was conducted on 13-11-2017. After lodging of the FIR, the investigation was taken up. It was found that during the check period starting from 01-01-1993 uptill 13-11-2017 the applicant had income of Rs.4,25,90,661/- from lawful and known sources of income, whereas, he was found in possession of assets of value Rs.9,72,08,679/-, which shows that he was found in possession of assets 127.85% in excess which is clearly disproportionate assets.

6. On perusal of the case diary, it appears that there is allegation against the applicant regarding forging of the documents of transfer of some properties in back dates on stamp papers. It is also reflected from the case diary that the investigation is complete and only the filing of charge sheet is pending, because the sanction for prosecution has not been received so far, which shows that there is nothing further to investigate. The applicant was at liberty all the time, but he was never arrested by the respondent side and there does not appear any requirement of his custodial investigation at this stage, therefore, for these reasons, 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