

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1139 of 2019**

1. Vijay Kumar Sharma, S/o Dhani Ram Sharma Aged About 59 Years R/o 102, Type IV, CPWD Colony, Seminary Hill, Nagpur, Maharashtra.
2. Smt. Kamlesh Kumari @ Kamlesh Kumari Sharma @ Kamlesh Sharma (Wrongly Mentioned as Smt. Kamlesh Kumari Sharma), W/o Vijay Kumar Sharma, Aged About 50 Years, R/o 102, Type IV, CPWD Colony, Seminary Hill, Nagpur, Maharashtra.

---- Applicants**Versus**

- Central Bureau of Investigation Through Superintendent of Police, CBI and ACB, Branch Raipur, VIP Road, Near PTS Chowk, Post Mana Raipur, Chhattisgarh.

---- Respondent

For Applicants : Shri Maneesh Sharma, Advocate.

For C.B.I. : Shri P. Chetan Kumar, Advocate.

Hon'ble Shri Justice Arvind Singh Chandel**Order On Board****22/10/2019**

1. The Applicants have preferred this first bail application under Section 438 of Cr.P.C. for apprehending their arrest in connection with F.I.R./Crime No. RC1242015A0009/2015 registered at Police Station C.B.I., ACB Branch Raipur, District – Raipur, (C.G.) for the offence punishable under Section 13(1)(e) and 13(2) of P.C. Act and Section 109 of I.P.C.
2. As per the prosecution story, Applicant No. 01 had functioned in various capacities from the rank to Junior Engineer (Electrical), CPWD to Executive Engineer (Electrical), CPWD at various places on different occasions from 07.08.1981 to 02.12.2014 and amassed

properties disproportionate to his known sources of income. It is alleged that during the said period Applicant No. 01 has amassed properties to the tune of Rs. 87,30,515/- and some of the properties were purchased in the name of Applicant No. 02 who is the wife of Applicant No. 01. On the basis of the above background, offence has been registered against both the Applicants and after completion of the investigation, charge-sheet has been filed against them.

3. Learned Counsel appearing for the Applicants submits that the Applicants are innocent and have been falsely implicated in the present case. He further submits that the Applicant No. 01 is a public servant and is working as Executive Engineer in Electrical Department, CPWD. He further submits that after raid, Applicant No. 01 has fully co-operated with the investigation by supplying all the materials, information and relevant documents till date. Applicants have two sons and they both are married. Their sons and their daughters-in-law they all work in a private company and they support Applicants financially. It is further submitted that charge-sheet has been filed and no custodial interrogation is required. Therefore, Applicants may be granted the benefit of anticipatory bail.
4. Learned Counsel appearing for the C.B.I. opposes the bail application and submits that it is a case of amassed huge wealth, which is disproportionate to the tune of 137% which this Applicant No. 01 has collected by misusing his position as public servant. Hence, this application be rejected.
5. I have heard learned Counsel appearing for the parties and perused the material available with due care.
6. Taking into consideration the submissions put-forth on behalf of the parties, considering the facts and circumstances of the case and further considering the fact that after raid, both Applicants have co-operated with the investigation till date, charge-sheet has already been filed, therefore, it is clear that now, no custodial interrogation is required, thus, without further commenting on other merits of the case,

I am inclined to extend the benefit of anticipatory bail to the present Applicants.

7. Accordingly, the bail application is allowed.

8. It is directed that in the event of arrest of the Applicants in connection with the aforesaid crime, they shall be released on anticipatory bail on each of them furnishing a personal bond in the sum of Rs. 20,000/- with one solvent surety for the like sum to the satisfaction of the Arresting Officer/Presiding Officer of the concerned trial Court. They shall also abide by all the following terms and conditions :

- (i) They 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 from disclosing such fact to the Court,
- (ii) They shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) They shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Sd/-
(Arvind Singh Chandel)
Judge