

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1679 of 2018**

Anil Tuteja, S/o Late H.L. Tuteja, aged 56 Years, R/o Near Zonal Office, State Bank of India, Baron Bazar, Police Station- Civil Lines Raipur, District- Raipur (C.G.)

---- Applicant

Versus

State of Chhattisgarh, through Economic Offence Investigation Bureau, (Anti-Corruption Bureau), Office at G.E. Road, Raipur (C.G.)

---- Respondent

For Applicant : Mr. Avi Singh & Mr. Peeyush Bhatia,
Advocates.

For State : Mr. A.N. Bhakta, Dy. Advocate General.

Hon'ble Shri Justice Ram Prasanna Sharma**Order On Board**

29/04/2019

1. Heard on admission.
2. Admit.
3. This is anticipatory bail application filed under Section 438 of the Cr.P.C. by the applicant, who is apprehending his arrest in connection with Crime No. 09/2015 registered at Police Station- Economic Offence Investigation Bureau (Anti Corruption Bureau), Raipur (C.G.), for commission of offence punishable under Sections 409, 420, 109, 120B of IPC, 1860 & Sections 13(1)(d) read with Section 13(2) & 11 of the Prevention of Corruption Act, 1988 (for short "the Act, 1988").
4. The supplementary charge-sheet was filed on 05.12.2018 before the court of Special Judge (Prevention of Corruption Act, 1988) and it is registered as Special Criminal Case No.

61/2018 in which warrant of arrest was issued against the applicant on 05.12.2018 and 29.03.2019 and now the case is fixed for appearance of the applicant before the said court on 15.05.2019.

5. As per version of the prosecution, the applicant was posted as Managing Director of Nagrik Aapurti Nigam Limited, Government of Chhattisgarh from 30.05.2014 to 18.02.2015 and during that period, payment is being made to certain officials of that institution regarding supply of poor quality of rice, salt and for illegal transportation of the said articles. It is alleged that one Girish Sharma who was posted as Personal Assistant of the applicant and Rs. 20,00,000/- was seized from his possession. It is also alleged that out of this amount, Rs. 10,00,000/- was to be paid to the present applicant.
6. Learned counsel for the applicant submits as under:-
 - (i) The applicant is being charge-sheeted for commission of offence under Sections 409 & 420 of IPC, but there is no iota of evidence regarding entrustment of property with the present applicant and again, there is no iota of evidence that he deceived fraudulently and dishonestly to any person.
 - (ii) The applicant is also charge-sheeted for commission of offence under Sections 13(1)(d) read with Section 13(2) & 11 of the Act, 1988, but there is no prima facie evidence that he obtained for himself any pecuniary advantage or valuable thing.

(iii) The FIR was lodged in the year 2015 and no interrogation was made from the present applicant and he was directly charge-sheeted in the year 2018 i.e. after three years of lodging of the FIR. As the charge-sheet is filed, he is not required for investigation.

(iv) The person namely Girish Sharma, Personal Assistant from whom the amount is alleged to be seized is under obligation to explain about the money as he is also a public servant, therefore, it is a fit case where the applicant should be extended benefit of anticipatory bail.

7. On the other hand, learned State counsel opposes the anticipatory bail application and submits that though there is no direct evidence against the present applicant, but the evidence collected by the prosecution should be taken as a whole, therefore, the applicant is also liable for the charges leveled against him.
8. I have heard learned counsel for the parties and perused the case diary with utmost circumspection.
9. Considering the fact that the charge-sheet has been filed against the applicant and further considering the fact that there is no direct evidence against the present applicant, I am inclined to extend benefit of anticipatory bail to the applicant.
10. Accordingly, the anticipatory bail application is allowed and it is directed that after surrendering by the applicant before the trial court, he shall be released on bail on furnishing a personal bond in sum of Rs. 50,000/- with one surety in the

like sum to the satisfaction of the concerned trial court up to completion of trial. The applicant shall also abide by the following conditions :-

- (i) He 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.
- (ii) He shall not act, in any manner, which will be prejudicial to fair and expeditious trial.
- (iii) He shall also appear before the trial court on each and every date given to him by the said court till disposal of the trial.
- (iv) He shall make himself available for interrogation by a police officer as and when required.
- (v) He shall not leave India without the previous permission of the Court.

Certified copy as per rules.

Sd/-
(Ram Prasanna Sharma)
Judge