NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C.(A). No. 1744 of 2018

Pradeep Kumar Gupta, S/o. Late Purshottam Dev Gupta, Aged About 58 Years, R/o. L-3, Bangla No. 110, Ashirwad Valley, Bodri, Bilaspur, District-Bilaspur, Chhattisgarh.

----Applicant

Versus

State Of Chhattisgarh, Through : The Incharge, Anti Corruption Bureau, Raipur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Goutam Khetrapal, Advocate

For Respondent/State : Mr. A.N. Bhakta, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

11/01/2019

1. Apprehending arrest in connection with Crime No.07/2017, registered at Police Station – Anti Corruption Bureau, 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 applicant was appointed as Sub-Engineer in the year 1983 and subsequently, he has got promoted to the post of Executive Engineer. In the case registered against the applicant, the assets found in his possession have been valued at approximately Rs.2,25,00,000/- against the income of the applicant valued at Rs.1,10,00,000/-. Apart from the

income of the applicant, his wife is also in business whose income is Rs.92.00 lakhs, his daughter is a Dental Surgeon and who has income of Rs.10.46 lakhs and his son is in real estate business and his income Rs.77.97 lakhs has not been taken into account, which clearly exceeds the value of the assets found in possession of the applicant. The investigation is still going on and the apprehension of arrest of the applicant is existing, therefore, it is prayed that 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 investigation is at initial stage, the returns that have been submitted by the applicant are being considered and investigated and the calculation of the assets and the income are yet to be made, therefore, it is prayed that the bail application be rejected.

4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.

5. A raid was conducted by ACB on 16.02.2017 in which inventory of the assets found in possession of the applicants were prepared and on that basis, initial calculations of income and the expenditure have been made which are mentioned hereinabove in the submission made by the applicant side. The investigation is still pending.

6. Considered the submissions and the contents of the case diary. After considering on the entire material present in the case diary and for the reason that the applicant is a public servant and is still performing his duties and during the period of investigation so far, he has never been arrested and there is likelihood that investigation

of the case will take some more time, hence under these circumstances, 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