

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Order Reserved on 28.9.2021****Ordere delivered on 6/10/2021****MCRC (A) No.1201 of 2021**

- Smt. Jyoti Chaturvedi, W/o Shri Ashok Chaturvedi, aged about 44 years, Working as Headmaster in Late Motilal Tripathi Govt. Primary School, Ramkund Para, Block-Dharsiwa, District Raipur, R/o R/2 Adhitya Niwas, Agrasen Nagar, Agroha Society, Police Station D.D. Nagar, Raipur (CG)

---- Applicant**Versus**

- State of Chhattisgarh, Through Station House Officer, Police Station Economic Offence Wing, Raipur, District Raipur.

---- Non-applicant

For Applicant	:	Mr. Ashutosh Pandey, Advocate with Mr. Himanshu Sinha, Advocate
For Non-applicant	:	Mr. Amrito Das, Additional Advocate General with Mr. Vimlesh Bajpai, Government Advocate.

Hon'ble Mr. Justice Parth Prateem Sahu**CAV Order**

1. This is first application under Section 438 of CrPC for grant of anticipatory bail to applicant as she apprehends her arrest in connection with Crime No.16/2020 registered at Police Station Economic Offence Wing, Raipur for commission of offence punishable under Section 13 (1) B, 13 (2) of the Prevention of Corruption Act, 1988 (for brevity 'Act of 1988').
2. Case of the prosecution, in brief, is that based on preliminary enquiry conducted against Ashok Kumar Chaturvedi, husband of applicant, Crime bearing No.16/2020 for commission of offence punishable under Section 13 (1) B & 13 (2) of the Act of 1988 was registered against him. Material collected during enquiry reflecting that Ashok Kumar Chaturvedi has acquired movable and immovable properties in his name as also in the name of his family members having value more than known sources of his income. Based on material collected and

information that applicant, who is a government employee working as Shiksha Karma III, presently posted as Head Master in Late Motilal Tripathi Govt. Primary School, Ramkund Para, Block-Dharsiwa, District Raipur, is also having disproportionate property of 84.283%, separate letter for sanction to prosecute her was forwarded to the Competent Authority, who vide order dated 13.7.2021 granted sanction for prosecution of applicant. Application for grant of anticipatory bail to applicant came to be dismissed vide order dated 20.7.2021.

3. Mr. Ashutosh Dubey, learned counsel for applicant would submit that applicant was appointed as Shiksha Karmi Grade-III, at present she is holding post of Head Master of Late Motilal Tripathi Govt. Primary School, Ramkund Para, Block-Dharsiwa, District Raipur. Applicant is not holding any post or charge having authority to draw or disburse more amount. He submits that applicant's husband was selected on the post of Chief Executive Officer through Chhattisgarh Public Service Commission, on the date of initiation of preliminary enquiry he was holding post of General Manager, Chhattisgarh State Text Book Corporation, Raipur. Preliminary Enquiry by Anti Corruption Bureau was conducted against applicant's husband. After collecting information and details, when it revealed that properties and investments are also purchased and made in the name of applicant also, who is government servant, she is also made accused in crime in question. He pointed out that after preliminary enquiry when husband of applicant filed writ petition (criminal) before High Court, then applicant is also impleaded as accused levelling allegations against her. Prior to impleading applicant as accused and seeking permission for her prosecution, no notice was issued to applicant. Applicant never visited abroad as alleged by Investigating Agency. There is non-compliance of provisions of Section 17A of the Act of 1988. Applicant has not committed any offence as alleged against her, hence she may be

enlarged on anticipatory bail.

4. Mr. Amrito Das, learned Additional Advocate General assisted by Mr. Vimlesh Bajpai, Government Advocate for the State opposes the submissions made by learned counsel for applicant and submits that based on the documents procured and collected during course of enquiry, difference of properties value with applicant and her known sources of income is Rs.1,03,46,042/-. Investigation is in progress. As applicant is involved in commission of economic offence, therefore, she is not entitled for benefit under Section 438 of CrPC. In support of his contention, he places his reliance on judgements of Hon'ble Supreme Court in case of **Enforcement Officer, Bombay, TED vs. Bher Chand Tikaji Bora** reported (1999) 5 SCC 720; **Y.S. Jagan Mohan Reddy vs. CBI** reported in (2013) 7 SCC 439; **P. Chidambaram vs. Directorate of Enforcement** reported in (2019) 9 SCC 24.
5. I have heard learned counsel for parties and perused case diary.
6. It is not in dispute that initially preliminary enquiry was conducted by Anti Corruption Bureau against Ashok Kumar Chaturvedi, General Manager of Chhattisgarh State Text Book Corporation, Raipur (husband of applicant). Documents and material collected in the course of preliminary enquiry revealed that Ashok Kumar Chaturvedi as also applicant is having properties disproportionate to their known sources of income. Indisputably, applicant is a government servant working as Shiksha Karmi Grade-III, presently holding post of Headmaster in Late Motilal Tripathi Govt. Primary School, Ramkund Para, Block-Dharsiwa, District Raipur. There is also no dispute with regard to submission made by learned State Counsel that case of economic offence forms class apart and there shall be strict consideration while dealing with application for grant of bail.

7. Taking into consideration status of applicant i.e. government servant working as Shiksha Karmi Grade-III, presently posted as Headmaster in Late Motilal Tripathi Govt. Primary School, Ramkund Para, Block-Dharsiwa, District Raipur; status of applicant's husband i.e. General Manager, CG State Text Book Corporation, Raipur on deputation, who is also co-accused in crime in question, without commenting anything on merits of case, I am inclined to grant anticipatory bail to applicant.
8. Accordingly, application filed under Section 438 of CrPC for grant of anticipatory bail is allowed. It is directed that in the event of arrest of applicant in connection with crime in question, she shall be released on anticipatory bail by the officer arresting her on her executing a personal bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one surety in the like sum to the satisfaction of the Arresting Officer. Applicant shall also abide by following conditions :
- (i) that she shall make herself available for interrogation before the Investigating Officer as & when required;
 - (ii) that she shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
 - (iii) that she shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
 - (iv) that she shall appear before the trial Court on each and every date given to her by the Court below concerned till disposal of trial.

Sd/-
(Parth Prateem Sahu)
Judge

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