

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 979 of 2015

1. Vinay Kumar Gupta S/o Late Shri Krishna Chandra Gupta Aged About 52 Years
Occupation Advocate, R/o Village And Post Loing, Tahsil And District Raigarh
(Chhattisgarh)
2. Smt. Padmavati Gupta W/o Vinay Kumar Gupta Aged About 42 Years House Wife,
R/o Village And Post Loing, Tahsil And District Raigarh (Chhattisgarh)

---- Applicants

Versus

State Of Chhattisgarh Through: The Station House Officer, Police Station Pusore,
District Raigarh (Chhattisgarh)

---- Respondent

Shri Shivendra Bharadwaj, counsel for the applicant/s.
Shri Ashok Swarnakar, Panel Lawyer for the State.

Order On Board

13/10/2015

At the outset, learned counsel for the applicant seeks to withdraw application of applicant no.1 – Vinay Kumar Gupta.

The application of Vinay Kumar Gupta is accordingly dismissed as withdrawn.

2. Applicant No.2- Smt. Padmavati Gupta is apprehending her arrest in connection with Crime No.160/15 registered at police station – Pusore, District – Raigarh (CG) for alleged commission of offence under Section 420/34 of IPC.

3. Case of the prosecution is that the husband of the applicant obtained Rs.90,000/- from the complainant on false assurance that he would get her loan case sanctioned whereas no such loan case was ever submitted in the bank.

4. Learned counsel for the applicant submits that as far as the applicant – Smt. Padmavati Gupta is concerned, she has no role to play in the alleged offence. The allegations are against other applicant and she is the house wife. It is submitted that looking to the nature of allegation, her custodial interrogation is not necessary.

5. Learned State counsel opposes the bail application and submits that there are allegations against the other co-accused and also against the present applicant that she was also present at the time when co-accused gave assurance and got money from the complainant.

6. Taking into consideration the nature of allegations, role alleged to be played by the present applicant and material stated to be available against her, I am inclined to grant benefit of anticipatory bail to the applicant.

7. Accordingly, the application is allowed. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, she shall be released on bail on furnishing a personal bond in the sum of Rs.20,000/- along with one local surety for the like amount to the satisfaction of the arresting officer and the applicant shall abide by all the following terms and conditions -

- (i) that the applicant shall make herself available for interrogation by a Police Officer as and when required;
- (ii) that she 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 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 said Court till disposal of the trial.

Certified copy as per rules.

Sd/-

Manindra Mohan Shrivastava
Judge