

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1121 of 2015

Smt. Vimla Tripathi W/o Shivanand Tripathi Aged About 45 Years
R/o Near Hanuman Mandir, Chaubey Bhavan, Dharampura No.
One, Jagdalpur, District Bastar, Chhattisgarh.

----Applicant

Versus

The State Of Chhattisgarh Through Station House Officer, P.S. City
Kotwali, Distt. Jagdalpur, Chhattisgarh.

---- Respondent

For applicant – Shri Shailendra Dubey, Advocate.

For Respondent/State – Shri Anupam Dubey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

20/11/2015

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending her arrest in connection with Crime No.53 of 2014, registered at Police Station City Kotwali District Jagdalpur (C.G.) for offence punishable under Section 420, 34 of IPC.
2. According to the case of prosecution applicant along with co-accused had obtained amount of Rs.4,50,000/- from the complainant Smt. Shashi Satpati to get her son Ankur Satpati employed as Food Inspector.
3. Learned counsel for the applicant submits that for recovery of the amount a civil suit has been filed against applicant arrayed as Prena Vimla Tripathi on the ground that applicant has obtained loan of Rs. 3 lakhs and suit was filed on 23/06/2015 wherein summons have been issued and the civil suit is being decided till date. He submits that taking into fact that civil suit is pending and co-accused has been enlarged on regular bail in M.Cr.C. No.3048 of 2015 and therefore applicant may be granted benefit of anticipatory bail.

4. Learned State counsel opposes the prayer for grant of bail.

5. Taking into fact the allegation made and the fact that civil suit has been filed and on the basis of that bail application of co-accused Shivanand Tripathi husband of the applicant was allowed, taking into fact that applicant is a lady and also considering the fact that for recovery of amount civil suit is pending, I am inclined to extend benefit of anticipatory bail to the applicant.

6. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, she shall be released on bail by the officer arresting him on executing a personal bond in sum of Rs.25,000/- with one local 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 herself 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) 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/-
(Goutam Bhaduri)
JUDGE

