

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C.(A). No. 394 of 2016

1. Smt. Nirmala Agrawal, aged about 55 years, W/o. Shri Subhash Agrawal, R/o. 26/943, Ravinagar, Civil Line, Raipur (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Station House Officer, Police Station – City Kotwali, Raipur, District-Raipur (C.G.)

---- Respondent

For Applicant : Mr. Y.C. Sharma, Advocate

For Respondent/State : Mr. Anupam Dubey, Dy. A.G.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

26/04/2016

1. Apprehending arrest in connection with Crime No.357/2015 registered at Police Station- City Kotwali, District – Raipur (C.G.), for offence punishable under Section 420, 406, 120B/34 of Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. As per the prosecution case, the applicant and her husband obtained loan from Tata Capital Housing Finance Limited and in lieu thereof mortgaged the property. Subsequently they entered into agreement of sale of such mortgage property without payment of loan and thereby the offence is committed.
3. Learned counsel for the applicant would submit that the applicant has only entered into agreement of sale and no sale deed was executed and even otherwise there is no bar in execution of the sale deed. He would further submit that compromise has been affected between the parties and according to Annexure A/2, installment of Rs.5,21,000/- has been agreed to be paid and out of that two installments have already been paid. Therefore, the

counsel prays that the applicant may be extended the benefit of anticipatory bail.

4. Per contra learned State counsel opposes the application for grant of anticipatory bail.
5. Perused the documents and the case diary. The applicant and her husband has obtained loan from Tata Capital Housing Finance Limited and thereafter the amount was not paid. It appears that sale deed has not been executed in respect of the mortgage property. Perusal of the order of the trial Court would show that during the course of argument before the Court below counsel of Tata Capital Finance Limited appeared and no objection was submitted in grant of anticipatory bail to the applicant. Considering the nature of the allegation and the fact that compromise has been affected and further taking into the fact that the applicant is a lady this Court is inclined to extend the 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 her 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 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) that the applicant 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/-
(Goutam Bhaduri)
Judge