

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C.(A) No. 428 /2016

Puja Yadav, D/o. Mohan Yadav, Aged About 22 Years, Occupation Student, R/o. Mohalla Sattipara, P.S. & Tahsil Ambikapur, District Surguja Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through the Station House Officer, Police Station Gandhinagar, District Surguja, Chhattisgarh

---- Respondent

For Applicant : Ms. Hamida Siddiqui, Advocate.
For Respondent : Mr. Neeraj Kumar Sharma, Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

23/06/2016

1. Apprehending arrest in connection with Crime No.15/2016 registered at Police Station- Gandhinagar, District Surguja (C.G.) for the offence punishable under Section 420/34 of Indian Penal Code, the applicant has preferred this application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution case, one Ajay Yadav who is brother of the present applicant had opened a firm namely Smart Value Products & Services Limited and had obtained an amount of Rs.11,000/- from different complainants to provide them government job, however, the same could not be done and the present applicant being the sister has also used to sit in the office and has in connivance with the other accused i.e. his brother Ajay Yadav has committed the offence.
3. Learned counsel for the applicant would submit that Ajay Yadav had opened the office wherein the complainants were trained and further the entire amount has been returned to as many as 11 persons out of 12 and they have entered into a compromise as

would be evident from Annexure A-2, which is the copy of compromise petition dated 02.02.2016. It is further submitted that the applicant is a lady and she was only sitting in the office and the main allegations are attributed to Ajay Yadav, therefore, considering the facts and developments in this case, the applicant may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of anticipatory bail. However, he do not dispute the fact that the compromise has been affected in between the complainants and the accused Ajay Yadav, as it appears that the complaint was made by 12 persons and it also appears that the complainants had entered into a compromise as certain amount has been returned by Ajay Yadav and the amount was said to be deposited by Draft in name of the firm.
5. Perused the case diary and the documents. Considering the facts and circumstances of the case and the fact that the complainants have entered into compromise with the main accused Ajay Yadav, I am inclined to enlarge the applicant on anticipatory bail.
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 furnishing a personal bond to a 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 him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Ashok