

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C.(A) No. 1369 of 2015

1. Vinita Kumari (wrongly mention as Binita in bail rejection order), W/o. Shri Khitij @ Satish Sarma, aged about 28 years, R/o. F-3, M.D.-119, B Phase-4, Kabir Nagar, P.S.- Kabir Nagar, Tahsil and District – Raipur (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, through : Station House Officer, Police Station – Kabir Nagar, District – Raipur (C.G.)

---- Respondent

For Applicant : Mrs. Indira Tripathi, Advocate

For Respondent/State : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

15/02/2016

1. Apprehending arrest in connection with Crime No.66/2015 registered at Police Station- Kabir Nagar, District – Raipur (C.G.), for offence punishable under Section 370, 420, 467, 468, 471/34 of I.P.C. and Section 3 (1) (vi), 3(2) (v) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, and Section 23 of the Juvenile Justice Act, the applicant has preferred this application for grant of anticipatory bail.
2. As per the prosecution case, Bastar Mitra Foundation was formed, which was registered and it was affiliated to Vedanta International School and according to the scheme, the said school was established by Bastar Mitra Foundation, wherein boys were being sent for study and three students of scheduled tribe namely Kaushal Patra, Mayank Madkam and Pradeep Kumar, who were the resident of Bijapur and

Kanker were selected for admission in to sixth class in the Vedanta Public School. It is alleged that without running the school, the students were taken to the resident of Satish Kumar Sharma and this applicant being the wife of Satish Kumar Sharma used to get house hold work from the student instead of allowing the student to impart study.

3. Learned counsel for the applicant would submit that, the husband of the applicant has been enlarged on regular bail by this Court and no allegation is attributed against this applicant and entire allegation was against the husband of the applicant. She would further submit that infact the false report has been made since the house wherein the school was belonged to Smt. Surendra Kaur Makkad, which was to be vacated, therefore, this course was adopted. She would further submit that charge-sheet in this case has been filed and no further interrogation is required, therefore, the applicant may be extended the benefit of anticipatory bail.
4. Per contra, the learned State counsel opposes the prayer for grant of bail.
5. Perused the charge-sheet and the statement, wherein it is stated that Satish Sharma and her wife i.e. the applicant used to get house hold job from the student instead imparting education, which includes washing of the vehicle, utensils and other house hold job. Charge-sheet has been filed in absence of the applicant and she has been shown as absconding. The case diary shows that at the initial stage, the applicant was absconding and no co-operation was made during the investigation. Further taking into the fact that the applicant was absconding from the day of one, it can not be stated that custodial

interrogation of the applicant may not be required and it is not a case, where the provisions of Section 438 of Cr.P.C. can be extended. Therefore, this Court is not inclined to grant anticipatory bail to the applicant.

6. Accordingly, the anticipatory bail application is dismissed.

Sd/-
(Goutam Bhaduri)
Judge