

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC(A) No. 460 of 2016

Smt. Vaidehi Konher, W/o Shri Vilas Konher, aged about 58 years, resident of House No.64, Piyushnagar, Kushalpur, P.S. Shankarnagar (Correct P.S. Purani Basti), Raipur, District Raipur C.G... **Applicant**

Vs.

State of Chhattisgarh through P.S. Tarbahar, Bilaspur, Distt. Bilaspur (C.G). ... **Respondent**

For the applicant : Mr. Vishnu Koshta, Advocate.
For the Respondent : Mr. Sangharsh Pandey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

12.05.2016

1. Apprehending arrest in connection with Crime No.209/2015 registered at Police Station Tarbahar, District Bilaspur (C.G) for the offences punishable under section 420/34 IPC, the applicant has filed this application u/s 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution case, the applicant is Director of Prithvi Associates and Vaidehi Management & Services Pvt. Ltd., allured the complainant Pardeshi Lal Kesharwani and despite she being not owner of the plot has entered into an agreement of sale with Pardeshi Lal and received an amount of Rs.5,50,000/- though the land belonged to one Nitin Beriwal.
3. Learned counsel for the applicant submits that the applicant being the household lady has not actively participated in day to day affairs of the Company and

the entire allegations are attributed to her son Anurag Konher and there has been some agreement *inter-se* between Nitin Beriwal and plot holder who has developed the plots and the Company prepares the assets.

4. Per contra, learned State Counsel opposes the prayer for grant of bail.
5. Perused the case diary and the FIR. The primary allegations have been attributed to Anurag Konher, son of applicant. The statements of witnesses also show that the main allegations are attributed to Anurag Konher and others. Thus, on perusal of case diary and statements, prima facie, it appears that the applicant was not directly involved in day to day affairs of Prithvi Associates and Vaidehi Management & Services Pvt. Company.
6. Considering the fact that the charge sheet has been filed and the applicant is a lady aged about 58 years and was a director in the Company, I am inclined to allow this bail application.
7. Accordingly, this application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, she be released on bail by the officer arresting her on her executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the officer arresting her or the concerned Investigating Officer. The applicant shall also abide by the following conditions :-
 - (i) that she will make herself available for interrogation before the investigating officer as and when required;

- (ii) that she will 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 any police officer;
- (iii) that she will not act in any manner which will be prejudicial to fair and expeditious trial; and
- (iv) that she will appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE

R a o