

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C.(A) No. 694 /2016

Smt. Kiran Choubey, W/o. Sandeep Choubey, Aged About 27 Years,
Resident of C/o. R.K. Dewangan, Pujari Nagar, Tikrapara, Raipur, District
Raipur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through the Station House Officer, Police Station-
Civil Line, Raipur, District Raipur, Chhattisgarh.

---- Respondent

For Applicant : Mr. D.N.Prajapati, Advocate.
For Respondent : Mr. Neeraj Sharma, Dy. Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

10/08/2016

1. Apprehending arrest in connection with Crime No.69/2014 registered at Police Station- Civil Line, Raipur, District Raipur (C.G.) for the offence punishable under Section 420, 467, 468, 471, 120-B, 406 of Indian Penal Code and Section 66 of Information of Technology Act, 2000, 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 Lt. Col. Jagdish Singh Viridi had opened a firm namely Jambaj Guards & Allied Services wherein the brother-in-law and husband of the applicant were working as Manager & Supervisor and when the complainant went to abroad in between September & October, 2013, an amount of Rs.16,58,468/- and 2,65,833/- were transferred by the husband and brother-in-law of the applicant and Rs.69,500/- was transferred in the account of the present applicant though she was no way concerned with Jambaj Guards & Allied Services, thereby in connivance with the other co-accused, fraud has been committed by the applicant.

3. Learned counsel for the applicant would submit that the applicant is the housewife and the amount was transferred by the husband and brother-in-law who have been arrested and enlarged on regular bail and the applicant has no knowledge about such transfer. He further submits that the applicant is carrying four months pregnancy according to Annexure A-2 and having a minor child, therefore, she may be enlarged on anticipatory bail.
4. Per contra, learned State counsel opposes the prayer for grant of anticipatory bail.
5. Perused the case diary and the documents. Considering the nature of allegation and the role played by this applicant and further considering the fact that the applicant is carrying pregnancy of four months, I find it to be a fit case where the benefit of Section 438 of Cr.P.C. can be extended 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 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 her by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Ashok