

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C.(A) No. 1309 /2015

Rijwana Rahman, W/o Hamid Rahman, Aged About 43 Years, R/o R-10,
Railway Construction Colony, Qr.No.809, Bilaspur, Civil, Rev. & Distt.
Bilaspur, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through S.H.O., Thana City Kotwali Bilaspur, Distt.
Bilaspur, Chhattisgarh

---- Respondent

For Applicant : Ms. Madhunisha Singh, Advocate.

For Respondent : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

07/01/2016

1. Apprehending arrest in connection with Crime No.369/2015 registered at Police Station- City Kotwali, Bilaspur, District Bilaspur (C.G.) for the offence punishable under Section 380, 427/34 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 story, in brief, a complaint was made by the complainant who was working as domestic help in the house of the applicant that when she did not report her duty, at that time, the applicant along with others entered into her house and took away the old watch, steel pot, cooler and old cycle of the children from her house.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. She further submits that infact the complainant was working as domestic help in the house of the applicant and she had obtained a loan of Rs.5000/-, consequently,

on the demand being made, the false allegations have been made against the applicant; therefore, she may be enlarged on anticipatory bail.

4. Per contra, the learned State counsel opposes the prayer for grant of anticipatory bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Perused the statement of the complainant as also the other witness. Admittedly, it appears that the complainant was working as domestic help in the house of the applicant and subsequent dispute arose when complainant was absent on her duty and report was made. Considering the facts of this case and the background of the alleged offence, I find it to be a fit case to extend the benefit of Section 438 of Cr.P.C. to the applicant.
7. Accordingly, the anticipatory bail application is allowed.
8. 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