

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C.(A) No. 599 of 2016

Sujeeta Dwivedi, W/o Sushil Kumar Dwivedi, Aged About 50 Years,
R/o S.I.R., M.I.G. 167, Mahamaya Road, Kumhari Road, Durg, Civil
& Revenue District Durg, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police
Station Jamul, Civil & Revenue District Durg, Chhattisgarh.

---- Respondent

For applicant – Shri Praveen Das, Advocate.
For Respondent/State – Shri Anil S. Pandey, G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

01/09/2016

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending her arrest in connection with Crime No. 12/2016 registered at Police Station Jamul, District Durg, Civil and Revenue District Jamul (Chhattisgarh) for offence punishable under Sections 420, 467, 468, 471 of the Indian Penal Code.
2. As per the prosecution case, a case was registered against Sumit Security Services wherein applicant has been shown to be proprietor that without obtaining any permission on the basis of forged permission licence purported to be issued by Police Head Quarters to run security services under the act of Private Security Agencies (Regulation) Act, 2005, the applicant is running security services, therefore on communication from the Police Head Quarter FIR was registered.
3. Learned counsel for the applicant has categorically contended that infact security agency was being run by husband of the applicant Sushil Kumar Dwivedi and when enquiry was made they have made categorical

statement that no such licence was ever submitted to the Amrapali Vananchal City wherein the applicant was given contract for security services. It is stated that the applicant was registered before Municipal Corporation under the Shop and Licence Act and no complaint has been made by Amrapali Vananchal City. He further submits that at the most if there is breach of act of Private Security Agencies (Regulation) Act, 2005, reading Section 4 and 20 would show that for permission and the penalty has been prescribed for and maximum in this case there can be violation of Act of 2005. He submits that the applicant being a lady, as no enquiry is needed, she may be granted benefit of anticipatory bail.

4. Learned State counsel opposes the prayer for grant of anticipatory bail.

5. Perused the documents and the statement of Sushil Dwivedi wherein it is stated that he and his wife has not filed any application for licence. Considering the fact that seizure has already been made and it appears that evidence which is collected is documentary in nature, custodial interrogation may be avoided specially taking into fact that applicant is a lady, I am inclined to extend benefit of anticipatory bail 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 executing a personal bond in sum of Rs.25,000/- with one local 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) 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