

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 1033 of 2016**

1. Anita Raj, aged about 22 years, W/o. Laxmi Raj, R/o. Village-Mandan (Pali), P.S. - Pali, District – Korba (C.G.)

----Applicant**Versus**

1. State of Chhattisgarh, Through : the Chowki Pachrapodi, Police Station – Kharganva, District – Koriya (C.G.)

---- Respondent

For Applicant : Mr. Sanjeev Verma, Advocate

For Respondent/State : Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****11/11/2016**

1. Apprehending arrest in connection with Crime No.68/2016 registered at Police Station- Kharganva, Chowki – Pachrapodi, District – Koriya (C.G.), for offence punishable under Section 420/34 of Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. Case of the prosecution, in brief is that accused persons namely Ashok Singh Jagat, who was Vice President, Ratan Singh Raj, who was Member and Mohd. Usama @ Osama Khan, who was Secretary have floated the NGO named as Kanya Kalyan Welfare Society by making a promise that Rs.1500/- would be paid at the time of education of the girl and Rs.50,000/- paid at the time of marriage and thereby they collected Rs.520/- by way of registration and as per the FIR 5 to 6 girls took the registration but did not

return the same. It is alleged that the applicant was also one of the member of the society. Thereby the offence has been committed.

3. Learned counsel for the applicant would submit that the applicant has not committed any offence and she was only a member. It is further submitted that the applicant is a lady and she is carrying pregnancy of 31 weeks, which is evident from the document Annexure A/4 filed along with the bail application. It is further submitted that other co-accused in this case have been enlarged on regular bail and no further investigation is required, therefore, the counsel prays that the applicant may be extended the benefit of Section 438 of Cr.P.C.
4. Per contra, learned counsel for the State opposes the application for grant of anticipatory bail.
5. I have heard learned counsel for the parties.
6. Perused the case diary and the documents. Considering the facts and circumstances of the case, taking into the fact that the applicant was only appears to be a member and other co-accused persons have been enlarged on regular bail and further taking into the fact that the applicant is carrying pregnancy of 31 weeks, this Court is inclined to extend the benefit of anticipatory bail to the applicant, as no custodial interrogation may be required in this case.
7. 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 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