

HIGH COURT OF CHHATTISGARH, BILASPUR

M. Cr. C. (A) No. 121 of 2017

Smt. Jyoti Pathak W/o Avkash Pathak, aged about 50 years, R/o Village Navagaon, Police Station Pandariya, District Kabirdham, Chhattisgarh. Mob.No. 7000484939

---- Applicant

Versus

State of Chhattisgarh through Station House Officer, Police Station Rakhi, New Raipur, Chhattisgarh.

---- Respondent

For Applicant	:	Shri Raghvendra Pradhan, Advocate
For Respondent/State	:	Shri B. Gopa Kumar, Dy. Advocate General

Hon'ble Shri Justice P. Sam Koshy

Order On Board

18/05/2017

The present application under Section 438 of Cr.P.C. has been filed seeking for grant of anticipatory bail to the applicant apprehending her arrest in connection with Crime No. 16/2017 registered at P.S. Rakhi, New Raipur (CG) for the offence punishable under Sections 409, 420, 34 of IPC and Section 10 of Chhattisgarh Nirkshepkon Ke Hito Ke Sarakshan Adhiniyam.

The Case against the present applicant as per the prosecution is that the applicant and her husband namely Avkash Pathak projecting themselves as the director of a Company named IWC Marketing Company Private Ltd. collected huge amount of money from the poor villagers on the pretext of providing them better returns. After collecting huge money, it is said that they had closed the office and fled from the location. Subsequently, on a complaint being lodged an FIR was registered against the applicant and the co-accused.

Counsel for the applicant submits that in the case diary, there is no documentary proof to show that there is any involvement of the present applicant in commission of the crime. He submits that except for the fact that the applicant happens to be the wife of one of the Directors of the said

Company, there is no role whatsoever played by her. He further submits that it is also not a case where the prosecution has been able to collect any material by which the petitioner can be said to have played an active role in commission of the alleged offence.

State counsel however opposing the bail application submits that it is a case where there are statements of about 13 villagers recorded and practically all the witnesses have made a statement that the present applicant also used to visit the villagers for collection purposes and there are statement by majority of them who have stated that the money was also paid to the applicant in presence of her husband.

Taking into consideration the statement of the witnesses recorded during the course of investigation and also consideration the nature of allegation levelled against the applicant, this Court is of the opinion that it is not a fit case where the present applicant can be granted the advantage of anticipatory bail.

Accordingly, the instant application filed under Section 438 CrPC stands rejected.

**Sd/-
(P. Sam Koshy)
Judge**