

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MISC. CRIMINAL CASE (A) NO. 370 OF 2017

Smt. Smita Sinha, W/o Shri Ramesh Sinha, aged about 48 years, R/o N-2, Nikita Vihar, Mahavir Nagar, Raipur, District Raipur (C.G.)

... Applicant

Versus

State of Chhattisgarh, through Station House Officer, Police Station Mahasamund, District Mahasamund (C.G.)

... Non-applicant

For Applicant	:	Mr. Praveen Das, Advocate.
For Non-applicant/State	:	Mr. Ashish Shukla, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

17/05/2017

1. The present application has been filed under Section 438 of CrPC for grant of anticipatory bail to the Applicant who is apprehending her arrest in connection with Crime No. 78 of 2017, registered at Police Station- Mahasamund, District- Mahasamund, for the offence punishable under Sections 420, 467, 468, 471, 409/34 of IPC.

2. Case as per the prosecution is that the present Applicant in connivance with the co-accused Rajendra Chandrakar, while running an NGO in the name of CIDO, had received an amount of Rs. 3.58 Lakh from the State Government under a Scheme of Central Government namely Mada Pocket Project and that the said fund had not been utilised properly in accordance with the said scheme. Subsequently, on a complaint that was made after about six years of time from the time when fund was released, a case was registered against the present Applicant and the said co-accused Rajendra Chandrakar.

3. Learned Counsel for the Applicant referring to an order of this Court dated 23.3.2017 passed in M.Cr.C. No. 1646 of 2017 submits that the co-accused Rajendra Chanrakar who was the President of the said NGO has

already been granted bail by this Court. He further submits that the present Applicant was a Secretary of the said NGO at the relevant point of time but subsequently she has resigned from the said NGO. He thus prayed that the Applicant being a lady may be granted anticipatory bail.

4. Learned Counsel for the State however opposes the anticipatory bail application on the ground that the nature of allegations against the present Applicant are serious in nature and that no case for grant of anticipatory bail is made out as prima facie there is a role played by the present Applicant as reflected from the perusal of the case diary. He further submits that the present Applicant was working as Secretary of the said NGO and the role of the Secretary is far more important than that of the President and therefore she cannot escape from the liability of not misusing the fund received by the said NGO.

5. Considering the total facts and circumstances of the case particularly the fact that the main accused person namely Rajendra Chandrakar has already been granted bail by this Court, in addition the present Applicant being a middle aged lady and also the fact that the entire amount which is said to have been not utilised properly has since also been refunded back to the State Government, prima facie a strong case for grant of anticipatory bail is made out.

6. Accordingly, the present application under Section 438 of CrPC is allowed. It is directed that in the event of arrest of the Applicant in connection with Crime No. 78 of 2017, registered at Police Station- Mahasamund, District- Mahasamund, for the offence punishable under Sections 420, 467, 468, 471, 409/34 of IPC, if she furnishes a personal bond for a sum of **Rs.25,000/- with one surety** of the like amount to the satisfaction of the concerned arresting/investigating officer or the Court

concerned, as the case may be, then she shall be released on bail on the following further conditions :

- (i) that the applicant shall make herself available for interrogation before the concerned 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.

/sharad/

Sd/-
(P. Sam Koshy)
Judge