

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case (A) No.396 of 2017**

- R. Vatsalya Murty S/o Shri R. Krishna Murty, Aged About 34 Years R/o B /4 Vijay Vihar, Priyadarshini Nagar, Behind Dr. Sahay Hospital, Police Station New Rajendra Nagar, Raipur, District Raipur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Sejbahar/ Mujgahan, Raipur, District Raipur, Chhattisgarh.

---- Respondent

For Applicant	: Smt. Fouzia Mirza, Advocate
For Respondent/State	: Shri Ashok Swarnkar, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****06.7.2017**

Heard the matter finally.

2. This application under Section 438 of Code of Criminal Procedure, 1973 (for short 'the Code') has been filed by the applicant apprehending her arrest in connection with Crime No.85/2017 registered at Police Station Mujgahan, Raipur (CG) for offence punishable under Section 188 of the Indian Penal Code.

3. Learned counsel for the applicant submits that charge sheet is not yet filed, on the basis of the State amendment vide Notification No.33207-F-No.6-59-74-B-xxi dated 19.01.1975, Section 188 of IPC is made non bailable. In the present matter, allegation against the present applicant is that he gave his house on rent, but not informed the said fact to the Police Station. The incident is of 07.01.2016. On

the basis of said alleged non compliance some incident was reported. The applicant will follow the law in future, he is the first offender with no criminal antecedent of any type of offence. He was not aware of the legal provisions, he just omitted to give the information regarding giving his house for rent, hence he may be granted bail.

4. Per contra, learned counsel for the State opposed the arguments advanced on behalf of the applicant and would submit that on account of non disclosure of information by the applicant to the police, tenant in the said premises after kidnapping one person kept under the said house for which the police during investigation registered the crime against those tenants and other accused separately and they are being investigated.

5. Perused the entire material.

6. On due consideration, looking to the entire facts surfaced I am inclined to grant an opportunity to the applicant so that he shall not involve in any of the offence and shall obey the law of the land by intimating the police if he ever gives his house on rent.

7. Consequently, application filed under Section 438 of the Code is hereby allowed.

8. It is directed that in the event of arrest by the concerned police/concerned criminal court in connection with above mentioned offence, the applicant shall be released on bail by the officer arresting him on his furnishing a personal bond in the sum of Rs.25,000/- with one solvent surety of the like sum to the satisfaction of the trial Court. The applicant shall cooperate in the trial. The

applicant shall intimate the police regarding giving premises on rent in future. If the applicant deliberately without any proper and cogent reason does not cooperate with the investigation, the order granting anticipatory bail by this Court shall automatically stand cancelled by concerned Magistrate having jurisdiction on a complaint by the concerned police without further reference under intimation to the Registry. If the concerned Court having jurisdiction after considering the facts found that the applicant in any way not complied the directions given by this Court the anticipatory bail granted to the applicant shall automatically cancelled without further reference to the Bench. It is also made clear that this order granting bail to the applicant shall stand cancelled automatically without reference to the Bench by the Court below (i) the trial Court finds that the applicant suppressed filing or pendency of any other application for grant of bail before this Court or the Hon'ble Apex Court intentionally; (ii) the applicant is found to be involved in any offence of the like nature and (iii) the trial court finds that the applicant remains absent without any sufficient and cogent reason. If bail is cancelled automatically in view of the above, the Court below may proceed further under the provisions of law, under intimation.

Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE