

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 779 of 2017

Smt. Akanksha Kannouj W/o Shri Amit Kannouj, Aged
About 29 Years Occupation Teacher R/o Purani Basti
Kota, P. S. & Tahsil Kota, Civil & Revenue District
Bilaspur, Chhattisgarh. --- **Petitioner**

Versus

State of Chhattisgarh through Station House Officer,
Police Station City Kotwali Bilaspur, District Bilaspur,
Chhattisgarh. --- **Respondent**

For the applicant : Mr. Sunil Sahu, Advocate.
For the State : Mr. Anupam Dubey, Dy. Govt. Adv.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

08.12.2017

1. Apprehending arrest in connection with Crime No. 241 of 2017 registered at Police Station City Kotwali, Bilaspur (C.G) for the offences punishable under sections 376, 420/34 of IPC, the applicant has filed this application u/s 438 of the Code of Criminal Procedure.
2. As per the prosecution case, a report was lodged by the victim that one Amit Kannouj had gone to a private clinic for treatment wherein the victim was working as nurse. Thereafter, she was assured to get her appointed in Railways and from time to time, the amount of Rs.6,48,000/- was paid in different instalments till 2012 and on the pretext of interview, she was taken to Puri where forcible sexual intercourse was committed. Subsequently it was discovered that Amit Kannouj was married who was the husband of the present applicant

and thereafter, the present applicant has entered into an agreement with the complainant to return the amount. It is alleged that the present applicant being the wife was also party to the entire incident.

3. Learned counsel for the applicant submits that the applicant is wife of accused Amit Kannouje and the entire allegations are attributed to her husband and after knowing the fact that the husband has committed the offence, she herself agreed to pay back the amount and an agreement was entered by the applicant to return the amount, therefore, she has not committed any offence.
4. Per contra, learned State Counsel opposes the prayer.
5. Perused the statement and initial report of the victim made in March, 2016. The Statement also contains agreement wherein the wife has stated that she wanted to return the amount in instalments and she was not in know of the act committed by the husband.
6. Taking into totality of the facts and circumstances of the case, I am inclined to admit the applicant to anticipatory bail.
7. Accordingly, the application is allowed and it is directed that in the event of her arrest in connection with the aforesaid offence, she 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 officer arresting her or the concerned Investigating Officer. The applicant shall also abide by the following conditions :-

- (i) that she will make himself available for interrogation before the investigating officer as and when required;
- (ii) that she will 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 any police officer;
- (iii) that she will not act in any manner which will be prejudicial to fair and expeditious trial; and
- (iv) that she will appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE

R a o