

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C.(A) No. 1264 /2016

Roopa Thapa @ Roopa Tiwari, W/o. Mr. Piyush Tiwari, Aged About 30 Years, R/o. Gandhi Nagar, Ambikapur, District Sarguja, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through The Police Station Jainagar, District Surajpur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Raza Ali, Advocate.

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

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

09.03.2017

1. Apprehending arrest in connection with Crime No.58/2013 registered at Police Station- Jainagar, District Surajpur (C.G.) for the offence punishable under Section 420/34 of Indian Penal Code, the applicant has preferred this application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution case, a report was made by one Hariram on 01.04.2013 that the present applicant alongwith her husband Piyush Tiwari pretended themselves to be P.A. of I.G. and in order to provide job to the complainant in the police department received an amount of Rs.2 Lakhs.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case as no vacancy was ever advertised in the year 2010-11, therefore, no question of obtaining money arise. It is further submitted that the report was made to the Superintendent of Police, Surajpur, wherein an enquiry was also conducted and it was found that no vacancy was projected in the year 2010-11. He further submits that the applicant also appeared

in the complaint case filed by Jyoti Prakash Mishra, therefore, projecting herself absconding is completely wrong, consequently, the applicant may be enlarged on anticipatory bail.

4. Per contra, learned State counsel opposes the prayer for grant of anticipatory bail.
5. Perused the case diary. The case diary also shows that on 29.08.2013 when the house of the applicant was searched, she was not found as she was absconding. It appears that the charge sheet has been filed in the year 2013, the applicant is absconding and concealing herself in order to avoid arrest from 2013 as appears she was working in the police department. Considering such facts, it is not a case where the benefit of Section 438 of Cr.P.C. can be extended to the applicant.
6. Accordingly, the bail application filed under Section 438 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge