

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1027 of 2017

Smt. Qamarunnisa W/o Abdul Saleem, Aged About 51 Years R/o
Nayi Basti, Rajatalab, P.S. Civil Lines, Tahsil, Civil & Revenue
District Raipur, Chhattisgarh --- **Petitioner**

Versus

State of Chhattisgarh through P.S. Telibandha, Civil & Revenue
District Raipur, Chhattisgarh --- **Respondent**

For the applicant : Mr. Adil Minhaj, Advocate.
For the State : Mr. Anupam Dubey, Dy. Govt. Adv.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

15.12.2017

1. Apprehending arrest in connection with Crime No. 183 of 2017 registered at Police Station Telibandha, Raipur. (C.G) for the offences punishable under sections 420, 406, 34 of IPC and Section 3/7 of the Essential commodities Act, the applicant has filed this application u/s 438 of the Code of Criminal Procedure.
2. As per the prosecution case, a raid was conducted on 23.12.2016 in two Fair Price Shops of 0.4 and 0.6 which were running at Ward No.42 at Raipur and when the lock was broken-open, certain stocks of rice, sugar etc., were found to be missing which she did not tally with the sales. Thereafter the investigation started.
3. Learned counsel for the applicant would submit that the applicant is President of Akanksha Mahila Swa-Sahayata Samuh and the sales-man who was running the shop has been enlarged on anticipatory bail by the coordinate

Bench of this Court on 26.10.2017 in M.Cr.C(A) No. 558 of 2017 and the case of present applicant is more better than that of the co-accused, therefore, the present applicant may be enlarged on bail.

4. Per contra, learned State Counsel opposes the prayer.
5. Perused the case diary. It appears that the applicant was working as President of Akanksha Mahila Swa-Sahayatg Samuh. Taking into fact that the other accused has been enlarged on anticipatory bail by the coordinate Bench of this Court and the case of present applicant appears to be similar to that of other accused and further taking into the nature of allegations, I am inclined to extend the benefit of section 438 of Cr.P.C., to the applicant.
6. Accordingly, the application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, she will 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**

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