

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 113 of 2018**

- Kamla Manhare, D/o Late T.R.Manhare, Aged About 58 Years Occupation Service Deputy Director Social Welfare, Ambikapur R/o Gandhinagar, Tehsil Ambikapur District Surguja Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through Police Station Baikunthpur District Koriya Chhattisgarh

---- Respondent

For Applicant	:	Shri Chandresh Shrivastava, Advocate
For Respondent-State	:	Shri Adhiraj Surana, Dy. GA for the State

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****06/04/2018**

1. This application under Section 438 of the Code of Criminal Procedure has been filed by the applicant apprehending her arrest in connection with Crime No.282/2017 registered at Police Station Baikunthpur, District Koriya (C.G.) for the offence punishable under Sections 420, 467, 468, 471, 409, 120B, 34 of the I.P.C.
2. As per the prosecution case, a report was made by one Roshan Kumar in the year 2016 that he was granted loan by the Chhattisgarh Physically Handicapped Financial Development Corporation and on the basis of the forged bill the loan amount was sanctioned, which was misappropriated and availed but not used for the purpose for which the loan was granted and the applicant being the Deputy Director has given the cheque of the loan.
3. Learned counsel for the applicant would submit that no offence is made out

against the applicant because as per the policy of the State Government, the loan are being given to the eligible persons on the basis of the document which is supplied. He would further submit that until and unless the applicant signs the cheque, the loan cannot be sanctioned, therefore, no offence is actually been made out against the applicant and she may be given benefit of anticipatory bail.

4. Per contra, learned State counsel opposes the prayer for grant of anticipatory bail.
5. Perused the case-diary documents. Considering the facts & circumstances of the case and also taking into that similarly placed co-accused have been granted bail by the co-ordinate Bench of this Court, I am inclined to allow this anticipatory bail application.
6. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant, she shall be released on anticipatory bail on her executing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the arresting officer with the following conditions:-
 - (i) that the applicant shall make herself available for interrogation before the investigation 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 them by the said Court till disposal of the trial.

Sd/-
Goutam Bhaduri
Judge

Ashu