

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 20 of 2018

- Smt. Geeta Mishra W/o Bishudanand Mishra (wrongly mentioned as Vishudanand Mishra), Aged About 46 Years, R/o 796, Kailash Nagar, Industrial Area Bhiali, P.S. Jamul, District Durg Chhattisgarh, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through Police Station Jamul, Durg, District Durg Chhattisgarh, Chhattisgarh

---- Non-applicant

For Applicant – Shri P.R. Patankar, Advocate.

For Non-applicant/State – Shri Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

05-04-2018

1. Apprehending arrest in connection with Crime No.175/2017, registered at Police Station – Jamul, District Durg, Chhattisgarh for offence punishable under Section 420/34 of the IPC, the applicant has preferred this application for grant of anticipatory bail.

2. It is submitted by the learned counsel for the applicant, that husband of this applicant namely B.N. Mishra was the person who and the complainant had financial transaction between them in which some amount was arranged by the complainant, which could not be repaid. Because of which, an agreement was entered into between the husband of this applicant with the complainant for security of the return of the amount borrowed from the complainant. This applicant was nowhere a party to the transaction between her husband and the complainant. Hence, no case of cheating is made out against her. Therefore, it is prayed that she may be benefited with grant of anticipatory bail.

3. Learned counsel for the non-applicant/State opposes the application and submits that this applicant is equally responsible because in the

agreement that was executed for security of loan this applicant had been a party and further she is also the one who along with her husband signed on the promissory note. Charge sheet has been filed against this applicant while she was absconding. Hence, she is not entitled for grant of anticipatory bail.

4. I have heard the learned counsel for the parties and perused the case diary.

5. According to the prosecution case, with the assistance of the complainant Anand Jimnani, co-accused B.N. Mishra obtained Rs.96 lacs as financial assistance. On failure to repay the same in time, an agreement in security for return of the same amount was made between the complainant and co-accused B.N. Mishra and this applicant for sale of the property belonging to this applicant and her husband to the complainant. But, later on the same property was mortgaged in a bank and loan was obtained by the co-accused and this applicant.

6. Considered on the submissions made and contents of the case diary.

7. Considered on the entire material present in the case diary and also on the nature of the case against this applicant. The complainant has also got remedy of going to civil litigation for remedy. Hence, for these reasons, I am of this view that this applicant deserves be benefited with grant of anticipatory bail.

8. Accordingly, the anticipatory bail application is allowed. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, she shall 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 concerned Investigating Officer. The applicant shall also abide by the following conditions :

(i) that the applicant shall make herself available for interrogation

before the investigating 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 her by the said Court till disposal of the trial.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge