

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC (A) No.3 of 2018**

Smt. Shilpa Kaushik, aged about 26 years, W/o late Harish Kaushik, R/o Raipur Road, Parsada, PS Chakarbhata, District Bilaspur (CG).

-----Applicant

Versus

State of Chhattisgarh Through Station House Officer, Police Station Chakarbhata, District Bilaspur (CG).

---- Respondent

For Applicant	:	Shri Abhishek Sinha and Shri Ravindra Sharma, Advocates.
For Respondent	:	Shri Sangharsh Pandey, Dy. G.A.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

21/03/2018

1. The applicant has filed this application for grant of anticipatory bail as she is apprehending arrest in connection with Crime No.370 of 2017 registered at Police Station Chakarbhata, Distt. Bilaspur, for the offence punishable under Sections 420,467,468,294 and 506/34 IPC.
2. The allegation against the applicant as per prosecution is that, on the assurance of providing employment the applicant and her late Husband Harish has obtained Rs.22,00,000/- from the complainant Deepesh Kumar Shukla. However, inspite of taking money, they could not provide employment to the complainant which led to filing of FIR.
3. The contention of the applicant is that, the present applicant is a government employee and is working as Scientist in the Govt. Agriculture College, Bilaspur. He submits that there appears to be some

transaction between the complainant and the husband of the applicant as early as in 2012-13 that later on the husband of the applicant died on 17.12.2015, subsequent to the death of Harish, the complainant in order to receive the money which is alleged to be paid to her Husband by the complaint, is being using co-ercive methods and in the course an FIR has been lodged against the present applicant. The applicant is also having two minor children to take care after death of her Husband and that there is no likelihood of her absconding and the she also undertakes to provide necessary co-operation to the investigating agency. Thus, prayed for grant of bail.

4. Counsel for the State however opposes the bail application and submits that it is a case where there was sufficient material available against the applicant in respect of Rs.8,00,000/- which was initially deposited by the complainant on two installments and which were credited on the account of present applicant which prima facie shows that the applicant had also accepted money from the complainant on the pretext of providing employment. The present applicant is also implicated in another crime of same nature which is registered as Crime No.326 of 2017 in which FIR was lodged on 04.08.2017. In addition, the case diary also reflects the statement of father of complainant i.e. KK Shukla, who has categorically stated that he had withdrawn an amount of Rs.14,00,000/- from his bank account which were given to the applicant on cash on assurance of employment being provided. Thus, prayed for rejection of the bail application.
5. Having heard learned counsel for the parties and on perusal of records indisputably the alleged transaction which the complainant states is that

of year 2012-13. The bank account in which the complainant is alleged to have deposited the amount was a joint account and was opened in the name of the deceased Harish Kaushik and his wife of the applicant. The transaction all along reflects that dealing was being done by the complainant and his father with the husband of the applicant i.e. Harish Kaushik. Further, what also reflects is that the bank account of the applicant reflects only deposit of Rs.8,00,000/-. Rs.14,00,000/- alleged to have been paid by cash is not reflected anywhere in the records. Except for oral statement made by the complainant in respect of Rs.14,00,000/-, there is no material on record.

6. Further, there is no plausible explanation available in the case diary to show the delay which has been caused in lodging FIR as late as on 21.08.2017 when the initial payment and transaction took place in the year 2012-13. Moreover, the applicant in the instant case is a government employee and there is no likelihood of her absconding and thus, this court is of the view that it is a fit case to grant anticipatory bail to the applicant. Accordingly, the application is allowed. It is directed that in the event of arrest, the applicant shall be released on bail on furnishing a bond in the sum of Rs.25,000/- with one surety for the like sum to the satisfaction of the officer arresting him and she shall abide by all the following terms and conditions:

1. That, the accused/applicant shall make herself available for interrogation before the concerned Investigating Officer as and when required;
2. The accused/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;

3. The accused/applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

4. The applicant shall appear before the trial Court on each and every date given by the said Court till disposal of the trial.

7. Certified copy, as per rules.

Sd/-
(P. Sam Koshy)
Judge

inder

