

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C.(A). No. 209 of 2018

- Priti Dawda W/o Jitendra Dawda, Aged About 33 Years Pro. Adarsh Udyog Mungeli, R/o Sindhi Colony Chowk, Mungeli, Distt. Mungeli Chhattisgarh, District : Mungeli, Chhattisgarh

--- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Ganj Thana Raipur Distt. Raipur Chhattisgarh, District : Raipur, Chhattisgarh.

---- Respondent

For the applicant : Shri V.C.Ottalwar, Advocate.

For the Respondent/State : Shri Aditya Sharma, PL.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

13.04.2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant, who has been arrested in connection with Crime No. 27/2018, registered at Police Station –Ganj, District – Raipur, (C.G), for the offences under Sections 419, 420,120 -B of the Indian Penal Code.
2. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case. This applicant is the proprietor of Adarsh Udyog, Mungeli, and doing business of sugar and other articles. Some sugar has been purchased by this applicant from the complainant – (Swijan Wadhwani), who is the proprietor of Shanker Trading Company Telghani Naka,

Raipur. When the complainant asked the payment of the said sugar the same has not been made by this applicant. This is not a case of cheating and fraud, which is alleged in the complaint. It is purely the case of commercial transaction, hence, it is prayed that the applicant be released on bail.

3. Learned counsel for the State opposes the bail application and submits that this applicant had placed orders in the name of such firms and other concerns of which she was not the proprietor neither the partner. There is evidence of commission of offences of cheating and fraud, hence, no case is made out for grant of bail.
4. Heard counsel for both the parties and perused the case diary.
5. According to the complaint made by complainant, a number of orders were placed by the husband of this applicant for purchased of sugar, by making use of the name of different business concerns and firms. On the basis of those orders the commodities were supplied. When the payment of price was demanded by the complainant from that firms and concerns, he came to know that no orders were placed by them. When the demand was made from the main accused - (Jitendra Dawda) proprietor of Dawda Traders, he gave no reply to the present complainant, hence, the complaint was made alleging against this applicant that she was also engaged in the business with her husband, and Adarsh Udyog, was running under her proprietorship. Hence, this case.
6. Perusal of the statement of the witnesses and looking to the role alleged to have been played by this applicant and also taking into consideration these facts that this applicant has not

denied about the purchase made by her concern. Which is in shape of admission. According to which either the amount can be claimed under the cause of action for civil litigation, hence, under these circumstances, I am of this view that this applicant should be extended the benefit of Section 438 of the Cr.P.C.

7. Accordingly, the anticipatory bail application is allowed and 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.

Sd /-

(Rajendra Chandra Singh Samant)

Judge