

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 989 of 2017**

- Smt. Dukhiya Bai Bagh W/o Jaspal Bagh, Aged About 50 Years, R/o Kalika Nagar, Tifra, Police Station Sirgitti, District Bilaspur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through the Station House Officer, Police Station Hirri, District Bilaspur Chhattisgarh

----Non-applicant

For Applicant : Shri V.R.Tiwari, Advocate.

For Non-applicant/State : Shri Anupam Dubey, Deputy Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**05/01/2018**

1. Apprehending arrest in connection with Crime No.48/2017, registered at Police Station – Hirri, District – Bilaspur (C.G.) for offence punishable under Section 420, 120-B, 34 of the IPC and Section 3, 7 of Essential Commodities Act, the applicant has preferred this application for grant of anticipatory bail.

2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case only for the reason that she happens to be owner of the property on which the other accused persons are alleged to have committed the offence. The applicant has not played any role in commission of the said offence. Hence, no case is made out on the basis of the material placed on record of the case. Therefore, it is prayed that the applicant may be benefited with grant of anticipatory bail.

3. Learned counsel for the non-applicant/State opposes the application and the submission made.

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

5. On 07-03-2017 the garage belonging to accused Jashpal Bagh situated at Pendridih bypass was raided by police personnel of P.S. Hirri and tankers bearing registration numbers CG-07-BB-8947, CG-10A-5877, CG-10A-3554 containing diesel and Kerosene oil were seized from the yard of the garage. Loose Kerosene oil and other chemicals were also seized. Allegations are these that the applicant was engaged in manufacturing fake diesel oil by using Kerosene oil with the help of various chemical and the said adulterated diesel is used in the vehicles, the offence was registered.

6. Considered on the submissions made and contents of the case diary. The applicant is wife of main accused and recorded owner of the land, the spot of incident only. After overall consideration of the facts and circumstances of the case, I am of this view that the applicant deserves to be benefited with grant of anticipatory bail in the present matter.

7. 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.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Aadil