

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 5 of 2018

- Smt. Chanda Gupta W/o Vishnu Gupta, Aged About 31 Years, Caste Raoniyar, R/o Village Mudekela, Thana and Tahsil Pathalgaon, Civil And Revenue District Jashpur Chhattisgarh , Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through Police Thana Pathalgaon, District Jashpur Chhattisgarh, Chhattisgarh

---- Non-applicant

And

MCRCA No. 7 of 2018

- Smt. Chanda Gupta W/o Vishnu Gupta, Aged About 31 Years, Caste Raoniyar, R/o Village Mudekela, Thana And Tahsil Pathalgaon, Civil And Revenue District Jashpur, District Jashpur Chhattisgarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Thana Pathalgaon, District Jashpur Chhattisgarh, Chhattisgarh

---- Non-applicant

For Applicant – Shri Sanjay Agrawal, Advocate.

For Non-applicant/State – Shri Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

13-04-2018

1. Though in both the MCRCA crime number is different, but the applicant is same, hence, they are being decided by this common order.

2. MCRCA No.5/2018 has been filed by the applicant for grant of anticipatory bail as she is apprehending arrest in connection with Crime No.100/2011, registered at Police Station – Pathalgaon, District Jashpur, Chhattisgarh, for offence punishable under Section 420, 467, 468, 471, 34 of the IPC and MCRCA No.7/2018 has been filed by the applicant for grant of anticipatory bail as she is apprehending arrest in connection with Crime No.99/2011, registered at Police Station – Pathalgaon, District Jashpur, Chhattisgarh, for offence punishable under Section 420, 467, 468, 471, 34 of

the IPC.

3. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated. She is a woman and house-wife. She has no connection with the alleged commission of crime. The case is of year 2009, whereas, the FIR was lodged on 19-05-2011 and the investigation has remained pending for almost 6 years and charge sheet has been filed in the year 2017 showing this applicant is absconder, whereas she had no information or no notice regarding the investigation made and about filing of the charge sheet. As the applicant wishes to appear before the trial Court and defend herself, hence, it is prayed that she may be granted anticipatory bail in both these cases.

4. Learned counsel for the non-applicant/State opposes the application and submits that named FIR has been lodged against this applicant and she has remained absconder throughout, she never cooperated with the investigation and neither she has appeared before the trial Court after filing of the charge sheet. Hence, she is not entitled for grant of anticipatory bail.

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

6. In Crime No.100/2011 allegation against this applicant is this, that this applicant along with 7 other co-accused persons induced the complainant and others that they are capable of providing jobs to the complainant and others in Janpad Panchayat Pathalgaon and in return they demanded Rs.1,10,000/- which was paid by the complainant, but later on when the complainant knew about the fraud committed, he lodged the FIR. The story in Crime No.99/2011 is similar, but the complainant is different.

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

8. Considered on the material present in the case diary, the case is

presently before the trial Court, co-accused person has been granted bail by the trial Court, it appears that the trial has remained withheld because of the absence/abscondence of this applicant, hence subsequent to filing of the charge sheet, there does not appear any reason for arrest and keeping the applicant in detention. Hence, after due consideration, I am of this view that this applicant should be benefited with grant of anticipatory bail in both the cases.

9. Accordingly, both these anticipatory bail applications are allowed. It is directed that in the event of arrest of the applicant in connection with the aforesaid offences, she shall be released on bail by the officer arresting her on executing in each case 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.

10. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge