

AFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 574 of 2018**

Hemlata Tiwari, wife of Shri Santosh Tiwari, aged about 44 years, R/o Prakash Aata Chhakki, Camp-2, Bhilai Power House, Tahsil and District Durg (CG).

---- Applicant**Versus**

State of Chhattisgarh, through Station House Office, Police Station Chhawani, District Durg (CG).

---- Non-applicant

For Applicant : Mr. Avinash Chand Sahu, Advocate.

For Non-applicant : Mr. Dhiraj Wankhede, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****10.07.2018**

1. Apprehending arrest in connection with Crime No.481/2017, registered at Police Station Chhawani, District Durg (CG) for the offence punishable under Section 406 of Indian Penal Code, the applicant has filed this application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. Case of the prosecution, in brief, is that the applicant is the proprietor of M/s Jai Matadi Printing Press. Punjab National Bank, Branch Nandini Nagar, Bhilai granted a loan for a sum of Rs.25,00,000/- to the applicant by which she has purchased some printing press machines. The machines were hypothecated to the bank. Thereafter, the applicant did not pay the loan amount and when the loan account became N.P.A., the bank has taken symbolic possession of the applicant's house where the machines were kept and subsequently the applicant left the house along with household article and machines.

3. Counsel for the applicant would submit that the applicant has not committed any offence and has been falsely implicated in the case and as such the applicant is entitled to be released on anticipatory bail.
4. On the other hand, learned counsel for the State would oppose the prayer for grant of anticipatory bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Looking to the facts and circumstances of the case, looking to the seriousness of the offence and looking to the impact of granting anticipatory bail to the applicant on society, this Court is not inclined to grant anticipatory bail to the applicant.
7. Accordingly, anticipatory bail application filed under Section 438 of CrPC is rejected with the liberty to the applicant to file regular bail application before the trial Court, in that event, the trial Court shall dispose of such application expeditiously.
8. Certified copy as per rules.

SD/-

(Sharad Kumar Gupta)
JUDGE

L/-