

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1262 of 2018

- Nonibai @ Nanki Bai @ Ramadevi W/o Late S. Surya Rao Aged About 49 Years R/o Fuljhariyapara Gali No. 3, Sarangarh, Police Station- Sarangarh, Tahsil- Sarangarh, District- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station- Manendragarh, District- Koriya, Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---- Respondent

For Applicant : Mr. Ali Asgar, Advocate.
For Respondent/State : Mr. Ashish Shukla, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

22/10/2018

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending her arrest in connection with Crime No.246/2018 registered at Police Station-Manendragarh, District – Koriya (C.G.), for the offence punishable under Sections 419 & 420 of the Indian Penal Code.
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. The applicant had intact married deceased S. Surya Rao, who was a Railway employee. Subsequent to retirement, the deceased died in the year 2007 and according to the nomination given in the railways, all the retiral and

pension benefits have been received by this applicant. Mother of complainant Sudha Das also claims, that she is wife of the deceased and had filed a civil suit before the Family Court, Manendragarh, in which the Family Court has passed the decree in favor of Sudha Das. It is submitted that even otherwise, it is a case of dispute between two wives and no case is made out regarding the offence as alleged in the FIR lodged in this case. Hence, it is prayed that she may be released on anticipatory bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that the allegation that has been made in this case is regarding withdrawal of fixed deposit by the applicant from the Post Office by impersonating as wife of the deceased. Looking to the material present in this case, applicant is not entitled for grant of anticipatory bail.
4. Heard the parties and perused the case diary.
5. FIR has been lodged by S. Chandrashekher Rao alleging, that his mother S. Sudha Das is the legitimate wife of deceased S. Surya Rao. It is alleged that the applicant by impersonating herself as wife of the deceased had withdrawn Rs.3 lakhs from the Post Office deposited in the name of deceased S. Surya Rao. Hence, this case.
6. Considering the dispute going on between the applicant and S. Sudha Das, regarding being the wife of the deceased, and that the claim put forth by applicant with the railways and other departments has been entertained, hence, I am of this view that this is a fit case where applicant should be released on anticipatory bail .
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 her executing a personal bond in the 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 them by the said Court till disposal of the trial.

Sd/-

(Rajendra Chandra Singh Samant)
Judge