

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 24 of 2019**

Smt. Harsha @ Meena Krishnani (wrongly mentioned as “Meera” in order), wife of Shri Gopichand Krishnani, aged about 44 years, R/o. Near Holycross School, Byron Bazar, Raipur, Tahsil and District – Raipur (C. G.)

----Applicant

Versus

State of Chhattisgarh, Through- the Police Station, Civil Lines, Raipur (C.G.)

---- Respondent

For Applicant	: Mr. B. P. Sharma, Advocate
For Respondent/State	: Mr. Arun Shukla, G.A..

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**28/01/2019**

1. Apprehending arrest in connection with Crime No.298/2018, registered at Police Station – Civil Lines, Raipur, District – Raipur (C.G.) for offence punishable under Section 420, 467, 468 of the Indian Penal Code, 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. No case is made out against the applicant on the basis of the material present in the case diary even then she has apprehension that she may be arrested in this case as her name is reflected in the statement recorded by the witness and in some documents of the investigation. As the property in question stands in the name of this

applicant, her husband had entered into an agreement for sale twice, first being with the complainant and second agreement with some other person, because of which, the complaint has been made. This applicant has not played any role to enter into those agreements. Co-accused Gopichand Krishnani has been granted anticipatory bail by this Court in M.Cr.C.(A) No.976/2018 vide order dated 07.09.2018. Therefore, it is prayed that the applicant may be enlarged on anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect. It is submitted that name of the applicant is clearly mentioned in the FIR and in the statement of the witnesses as being one of the party of fraudulent agreement by which complainant has been cheated, therefore, the application be rejected.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. The first agreement was entered between this applicant and the complainant on 30.08.2014 for sale of one flat, which is property stranding in the name of this applicant. Some amount in advance was transferred to this applicant. Later on another agreement was entered into for same property with Manish Jigyashi on 19.08.2017. Subsequent to the second agreement, the earlier advance received by the applicant side has been refunded. Complainant has filed complaint making allegation that her signature has been forged in the subsequent agreement dated 19.08.2017. Hence, this case.
6. Considered the submissions and the contents of the case diary. Considering on the entire material present in the case diary and

after due consideration on all the facts and circumstances of the case and for the reason that similarly placed co-accused has been enlarged on anticipatory bail by this Court, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.

7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
8. 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge