

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 26 of 2019

- Smt. Shashiprabha Tiwari, W/o Rohit Kumar Tiwari Aged About 50 Years R/o Village Simga Thana Simga, District-Balodabazar Bhatapara Chhattisgarh.

---- Petitioner

Versus

- State of Chhattisgarh Through The Police Station Simga, District Balodabazar Bhatapara Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Vikash Pandey, Advocate.
For Respondent/State	:	Mr. Arun Shukla, Govt. Advocate.
For Objector	:	Ms. Sunita Sahu, Advocate.

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

29/03/2019

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending her arrest in connection with Crime No.362/2018 registered at Police Station-Simga, District-Balouda Bazar-Bhatapara, for the offence punishable under Sections 406 read with 34 of Indian Penal Code, 1860.
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. No case is made out against this applicant. According to the evidence present in the case diary all the allegations are mainly against the husband of this applicant regarding the deceit committed with the complainant. Applicant has not played any role for making withdrawals and the statement shows that

her husband entrusted some money with this applicant which she kept her custody for some time as it is in prosecution statement which is totally false. The applicant is a house wife living with her children, therefore, she may be granted anticipatory bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that there is evidence regarding the participation of this applicant in the commission of offence, therefore, she is not entitled for grant of anticipatory bail.
4. Learned counsel for the Objector after adopting the arguments advanced by State counsel submitted that this applicant was equally involved in the commission of offence and she was the person who was entrusted with the stolen property, therefore, she is not entitled for grant of anticipatory bail.
5. Heard both the parties and perused the case diary.
6. FIR has been lodged by Smt. Asha Sharma, the complainant that she got crippled in a road accident because of which she had with help of Rohit made some withdrawals from her Bank account. Later on, Rohit Tiwari fraudulently made withdrawals of Rs.24 lacs and the same has been never handed over to the complainant and, thus, breach of trust has been committed by him.
7. On perusal of the evidence present in the case diary, it has appeared that the main allegation in this case is against the co-accused Rohit Tiwari and according to the statement of witnesses, it is said that the co-accused Rohit Tiwari had given some amount to keep in safe custody to this applicant which is being denied by this applicant.
8. After due consideration on the entire material present in the case diary, I am of this opinion that it is fit case where the applicant should be

granted anticipatory bail.

9. 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 his 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 her by the said Court till disposal of the trial.

Sd/-
(Rajendra Chandra Singh Samant)
Judge