

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 70 of 2019

- Dropati Kewat, W/o Shiv Kumar Kewat, aged about 30 Years, R/o Adbhar, Tahsil-Pendra, District-Bilaspur Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police-Station Pendra, Tahsil-Pendra, District-Bilaspur Chhattisgarh.

---- Respondent

For Applicant : Mr. Malay Shrivastava, Advocate.

For Respondent : Mr. Avinash Kumar Mishra, PL.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

01/02/2019

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending her arrest in connection with Crime No.422/2018 registered at Police Station-Pendra, Bilaspur(C.G.), for the offence punishable under Sections 420, 468, 471, 34 of the Indian Penal Code.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. No case is made out against her. The applicant is simply working as "Awas Mitra" and she has played no role in the said commission of offence. She is not the person, who has submitted the form in the Block Office for PMAY(G) Scheme and neither she has provided account number and Adhar Card for the same. She is totally unaware as to how the amount has

been deposited in her account. The applicant has simply made withdrawals from her own account, which cannot be regarded as any offence. Hence, it is prayed that applicant may be enlarged on anticipatory bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that this applicant in collaboration with two other co-accused persons, fraudulently submitted forms for grant of aid provided for PMAY(G) and has made withdrawal from her own account, which should actually have been withdrawn by complainant-Phooljariya Bai, therefore, she is not entitled for grant of anticipatory bail.
4. Heard both the parties and perused the case diary.
5. Complainant Phooljariya Bai has filed complaint, that she was one of the selected beneficiary for PMAY(G), however, she has not received any aid from the State Government, and on the other hand, the aid so granted in her name has been deposited in the account of this applicant and which has been withdrawn with the connivance of other two co-accused persons. Hence, this case.
6. Considered on the evidence present in the case diary, the role played by this applicant and after perusing the pattern of making withdrawal from her accounts, I am of this view that present is a fit case where the applicant can be granted 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 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

Nisha