

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 128 of 2019

- Saudamini Tripathi, W/o Narsingh Tripathi, aged about 54 Years, R/o Phase-6, Plot No.110, Rishali, Maitri Nagar, Bhilai, Thana Nevai, District-Durg Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Thana Nevai, District-Durg Chhattisgarh.

---- Respondent

For Applicant : Mr. Goutam Khetrapal, Advocate.

For Respondent : Mrs. Madhunisha Singh, Panel Lawyer.

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

05/03/2019

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending her arrest in connection with Crime No.193/2018 registered at Police Station-Nevai, District–Durg(C.G.), for the offence punishable under Section 420 of the Indian Penal Code and Section 3, 4 of Chit Fund Act.
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. The applicant has committed any offence as it is alleged by the complainants. Infact the applicant had borrowed money from the complainant and has been unable to return the same, therefore, the dispute is of civil nature. On the

contrary, the applicant herself filed a complaint, to the police against the complainants, on which no action was taken, thereafter, a legal notice was sent to the complainant on 17.7.2018 as the cheque drawn by the complainants Suresh Kumar Rajak and others in favor of this applicant was dishonored by the bank, therefore, it is a case of financial dispute. Co-accused Narsingh Tripathi has been granted anticipatory bail by this Court, hence, it is prayed that application be allowed.

3. Learned State Counsel opposes the bail application and the submissions made in this respect. It is submitted that this applicant had created a fake financial venture and has invited of investment from the complainant promising attractive returns and her intention had been to cheat all of them from the very beginning, therefore, she is not entitled for grant of anticipatory bail.
4. Heard both the parties and perused the case diary.
5. According to the case against the applicant, she with the help of her husband created a financial group of voluntary contributors, in which, the contributors/complainants made monthly investments of Rs.10,000/-, Rs.15,000/- & Rs.20,000/-. It was promised, that one of the members will get the collection on the basis of draw made. It is alleged that after making the collection this applicant with the help of her husband has misappropriated all the amount which happens to about Rs.63 to 64 lakh. Hence, this case.
6. After considering on the material present in the case diary and for the reason that similarly placed co-accused person has been granted anticipatory bail by this Court and that applicant is a woman, therefore, I feel inclined to grant anticipatory bail to this applicant.

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