

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 100 of 2019**

Reena Ghosh D/o Ravindra Kumar Ghosh Aged About 45 Years R/o Deepak Nagar, Durg Near Maharashtra Mandal, Police Station Mohan Nagar, Tahsil And District - Durg Chhattisgarh., District : Durg, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station - Mohan Nagar, Durg District - Durg Chhattisgarh., District : Durg, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri B.P. Singh, Advocate.
For the Respondent/State	:	Shri Arun Shukla, G.A.
For the Objector	:	Shri Pushkar Sinha, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****19.03.2019**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.
2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicant who is apprehending arrest in connection with Crime No. 544 of 2018, registered at Police Station Mohan Nagar, Durg, District Durg, Chhattisgarh for the offence punishable under Section 420 of the Indian Penal Code.

3. It is submitted by 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 placed before the Court by the prosecution. The fact is that the applicant had borrowed some money from the complainant, out of which, she already made a refund of Rs.1,50,000/- to the complainant through a bank draft. A copy of the bank draft is produced alongwith the application. The applicant intends to make refund of all the amount very soon within six months. Hence, it is prayed that the applicant be enlarged on anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that it is a case of cheating and fraud committed for providing Government Job to the complainant and a false story of borrowing is made up. Hence, no case is made out for grant of anticipatory bail to the applicant.

5. Learned counsel for the Objector has adopted the arguments submitted by the State counsel and submits that the applicant had in fact received money for providing appointment in Bank to the brother of the complainant, hence, no case is made out for grant of anticipatory bail to the applicant.

6. Heard counsel for both the parties and perused the case diary.

7. The allegation against the applicant is that she induced complainant –

Shikha Singh that by using her influence, she can get her brother appointed in bank, against which she received Rs.4,00,000/- as illegal gratification. Hence, this case.

8. Considering the submissions and the contents of the case-diary as it appears that the applicant had some intention to make refund of all the amount taken by her and that is the main interest of the complainant therefore, I am of this opinion that conditional anticipatory bail in this case should be granted.

9. Accordingly, the anticipatory bail application is allowed with condition. 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. She 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 them 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.'

This bail shall remain effective for a period of six months. When the applicant fulfills her promise of making refund, then she will have the liberty to make prayer for making the order absolute.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nimmi