

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 455 of 2019

- Maya Datta W/o Ritesh Datta, Aged About 39 Years, R/o Kelo Vihar Colony, Raigarh, Tahsil And District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station City Kotwali, District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh

---- Non-applicant

For Applicant – Shri Sumit Singh, Advocate.

For Non-applicant/State – Shri I. Lakra, Deputy Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

28-03-2019

1. Apprehending arrest in connection with Crime No.1226/2018, registered at Police Station –City Kotwali, District Raigarh, Chhattisgarh for offence punishable under Section 420 of the IPC, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against her. The applicant is a social worker and she had helped the various persons to get loan and filling forms for obtaining loan from Jila Antahvyavasayi Shakha of Raigarh (in short 'the Shakha'). The amount received by the applicant were in fact the expenses for filling-up the forms and she is not the personal beneficiary of the same. As the loan could not be sanctioned by the said Shakha, therefore, the complainant has grievance against this applicant, which is baseless. Hence, it is prayed that this applicant may be benefited with grant of anticipatory bail.
3. Learned counsel for the State/non-applicant opposes the application submit that this applicant has obtained Rs.2000/- from each of the beneficiaries for the purpose of facilitating in getting loan from the Shakha and when the loan was not sanctioned, she is not shouldering any responsibility for the

same, therefore, the complainant has grievance. Hence, the applicant is not entitled for grant of anticipatory bail.

4. Heard learned counsel for the parties and perused the case diary.

5. According to the FIR lodged, the applicant had given assurance to the concerned complainants that she will facilitate sanction of the loan and she helped the persons for filling up the form etc. for which she charged Rs.2000/- from each of them. She also gave assurance that out of Rs.2000/- charge, Rs.1000/- shall be returned to the beneficiary itself. After filling up of the forms no loan was sanctioned in favour of any of the said beneficiaries. Hence, this case.

6. Considered on the entire material present in the case diary. As the claim of the applicant is this, that she was facilitating of filling up of the forms for the beneficiaries, receiving of amount is though disputed, but after considering the case in entirety, I feel inclined to allow this application.

7. Accordingly, the anticipatory bail application is allowed. 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.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Aadil