

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 737 of 2019**

Smt. Rubina Kamar W/o Shri Rizwan Kureshi Aged About 49 Years R/o Qtr. No.1, Sindhi Colony, Near Durga Chura, Raipur Naka, Durg, P.S. Mohan Nagar Durg, Tahsil And District- Durg, Chhattisgarh., District : Durg, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The District Magistrate Durg, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh.

---- Respondent

For the Applicant : Shri R. Pradhan, Advocate.
For the Respondent/State : Shri Lav Sharma, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****25.07.2019**

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. 76 of 2019, registered at Police Station – Khursipar, Bhilai, District Durg, Chhattisgarh for the offence punishable under Section 406, 34 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. In fact,

there had been an agreement of loan transaction between the son of this applicant and the complainant, therefore, it is a case of civil dispute. Only for the reason that some part of the amount was received by this applicant in the bank account which is a joint account with her son, therefore, she has been roped as an accused. Similarly placed co-accused persons have been granted regular bail by the Court below. Hence, it is prayed that the applicant be benefited with grant of anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that this applicant is equally involved and there is evidence to show in this respect. Hence, the applicant is not entitled for grant of anticipatory bail.

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

6. According to the prosecution case, the son of this applicant and other co-accused persons gave inducement to complainant – Ekbaluddin that they are going to start a laundry business and if the complainant makes investment he will be made a partner and in this way, they received amounts from the complainant on various occasions and in total Rs.5,00,000/- was received by them. One of such receipt was taken in a bank account which was standing in joint name of this applicant with co-accused - Ramiz and thereafter, the complainant was neither made a partner nor any refund was made to him. Hence, this case.

7. Considering the entire material present in the case-diary and also considering the fact that the evidence regarding the role of this applicant in

the said commission of offence, I feel inclined to grant anticipatory bail to the applicant.

8. 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.'

Sd/-

(Rajendra Chandra Singh Samant)
Judge