

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 819 of 2019**

Smt. Khileshwari Sarwa, W/o. Shri Dhannulal Sarwa, Aged About 36 Years, R/o. Ganjpara, Police Station Balod, District Balod, Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through : District Magistrate, Police Station Balod, District Balod, Chhattisgarh.

---- Respondent

For Applicant : Mr. T.K. Jha, Advocate

For Respondent/State : Mr. Ghanshyam Patel, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****15/07/2019**

1. Apprehending arrest in connection with Crime No.80/2019, registered at Police Station – Balod, District – Balod (C.G.) for offence punishable under Section 420 of the Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by the learned 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 present in the case diary. Charge-sheet has been filed against co-accused persons, in which, he has been tried and acquitted by the Court below on the basis of the compromise between co-accused and the complainant. There is no evidence against this applicant in the said

charge-sheet only because it is mentioned that the police wants to investigate the case to find out the evidence against this applicant and one another for prosecuting them, therefore, this applicant has apprehension of being arrested. Therefore, it is prayed that the applicant may be granted anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect. It is submitted that investigation in this case is still pending, therefore, the application be rejected.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. In the FIR lodged main allegation are against Dhannulal Sarwa of giving inducement that he can use his influences and get the complainant appointed in government job and thereafter has received Rs.25.00 lakhs as illegal gratification. The allegation against this applicant in the complaint filed is only to the extent that whenever the complainant used to visit the house of the main accused, his wife would come out and say that their work will be done shortly.
6. Considered the submissions made and the contents of the case diary. After considering the entire material present in the case diary and looking to the statement of the complainant, on the basis of which, further investigation is proposed, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.
7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.

8. 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge