

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1522 of 2019**

- Anupama Dubey W/o Late Sanjay Dubey Aged About 50 Years R/o Vinoba Nagar, Police Station Tarbahar, Bilaspur, Tahsil and District Bilaspur, Chhattisgarh.

---- Applicant**Versus**

1. State of Chhattisgarh, Through The Station House Officer, Police Station Bilha, District Bilaspur, Chhattisgarh.
2. Shashi Jaiswal W/o Late Shri Kamal Kumar Jaiswal Aged About 40 Years R/o Bharti Nagar, Vyapar Vihar Road, Police Station- Civil Line, Tahsil and District Bilaspur, Chhattisgarh.

---- Respondents

For Applicant	: Shri Goutam Khetrapal, Advocate.
For State	: Shri Alok Nigam, G.A.
For Objector	: Shri Suyash Dhar on behalf of Shri Himanshu Sinha, Advocates.

Hon'ble Shri Justice Arvind Singh Chandel**Order On Board****16/12/2019**

1. The applicant has preferred this first bail application under Section 438 of Cr.P.C. for apprehending arrest in connection with Complaint Case No. 456/2019 pending before the Court of J.M.F.C., Bilha, District – Bilaspur, (C.G.) for the offence punishable under Section 420 of Indian Penal Code.
2. As per the prosecution story, a complaint case has been filed by complainant/respondent No. 2 before the J.M.F.C., Bilha, District Bilaspur, (C.G.) stating therein that the applicant is proprietor of M/s

Triveni Indane, which is situated at Village Dodhki Bhatha Road, District Bilaspur (C.G.). On April, 2018, applicant expressed her inability to run the said Gas Agency and she proposed to sale out the Gas Agency. Complainant had decided to purchase the Proprietorship Firm M/s Triveni Indane of the applicant and the sale price of said Gas Agency was decided between the parties as Rs. 70 Lakhs. On 11.05.2018, a Memorandum of Understanding was executed between the applicant and complainant. Pursuant to the Memorandum of Understanding, complainant had given total Rs. 38,50,000/- through different cheques to applicant. It was further alleged that at the time of execution of Memorandum of Understanding, it was agreed between the parties that after execution of said document, Gas Agency shall be operated/run by the complainant and the applicant shall not interfere with the operation of the said Gas Agency. On 04.07.2018, applicant handed over the I.D. and Password detail of Indian Oil Corporation to the complainant and given the ownership right of Agency to the complainant. It is alleged that on 25.10.2018, without any knowledge of information of complainant, the applicant changed the I.D. and Password, due to which complainant was enable to operate the Gas Agency and on 10.11.2018, applicant entered into the Agency Office and taken Rs. 1,35,000/- from the accountant, which was collected by selling the cylinder. On the basis of the above background, complaint has been filed by the complainant before the Court of J.M.F.C., Bilha, District – Bilaspur, (C.G.). Hence, this application.

3. Learned Counsel appearing for the applicant submits that the applicant is innocent and has been falsely implicated in the present

case. He further submits that, if the entire case of prosecution is taken as it is, *prima facie*, no offence under Section 420 is made out against present applicant. He further submits that, present case is of civil nature and complainant has made a vague complaint to pressurize the applicant. Thus, it is prayed that, applicant may be granted anticipatory bail.

4. Learned Counsel appearing for the State as well Counsel for respondent No. 2 oppose the bail application.
5. I have heard learned Counsel appearing for the parties and perused the annexed documents and material available on record with due care.
6. Taking into consideration the submissions put-forth on behalf of the parties, considering the facts and circumstances of the case, evidence collected by the prosecution, it appears that present case is of civil nature, therefore, without, further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present applicant.
7. Accordingly, the bail application is allowed.
8. It is directed that in the event of arrest of the applicant in connection with the aforesaid crime, she shall be released on anticipatory bail on furnishing a personal bond in the sum of Rs. 20,000/- with one solvent surety for the like sum to the satisfaction of the Arresting Officer/Presiding Officer of the concerned trial Court. She shall also abide by all the following terms and conditions :

- (i) She 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 fact to the Court,
- (ii) She shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) She shall appear before the trial Court on each and every date given to him/her by the said Court till disposal of the trial.

Sd/-
(Arvind Singh Chandel)
Judge