

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 562 of 2020**

Puja Tiwari D/o Sangamlal Mishra (Tiwari), aged about 25 years R/o Q.No. 35, Ward No. 25, Near Durga Mandir, Gaji Nagar, Beergaon, Tahsil & District Raipur (C.G.)

---- Applicant

Versus

State of Chhattisgarh through Police Station Khamtarai, District Raipur (C.G.).

---- Respondent

For Applicant	:	Mr. Shivendu Pandya, Advocate
For Respondent	:	Mr. Ghanshyam Patel, Govt. Adv.

Hon'ble Shri Justice Arvind Singh Chandel

Judgment on Board

24/08/2020

1. The matter is heard through video conferencing.
2. The applicant has filed this application under Section 438 of the Cr.P.C for grant of anticipatory bail as he is apprehending his arrest in connection with Crime No. 19/2020 registered at police station – Khamtarai, District Raipur (C.G.) for the offence punishable under Section 406, 407, 408 & 411/34 of the IPC.
3. In this case there are total 8 accused persons. According to the case of the prosecution on 09/01/2020, an FIR has been lodged by one Nand Kishore Agrawal, owner of the Firm Barbarik Tie of Private Limited, which manufactures G.I. wires. On 08/01/2020 the wire rod quantity 21.600 tonnes were loaded in trucks bearing registration No. CG04 LG 9178, which was being driven by co-accused Rahul. The

truck was sent from Heera Steel Ltd., Raipur to the Firm Barbarik Tie Pvt. Limited, but it is alleged that the said truck did not reach there and the applicants and other co-accused persons took the truck to other place and misappropriated the above wire rod. On 10/01/2020, on the basis of said FIR, offence has been registered.

4. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case. There is no direct evidence against the applicant and she has been implicated in this case only on the basis of memorandum statement of co-accused persons. He further submits that other six accused persons have already arrested and have been granted regular bail. He further submits that the entire misappropriation has been done by the co-accused, therefore, he prays to extend the benefit of anticipatory bail.
5. Learned counsel appearing on behalf of the State opposes the said application.
6. I have heard counsel for the parties.
7. Considering the facts and circumstances of the case, argument advanced by counsel for the parties and further considering the fact that there is no direct evidence available against the applicant, without further commenting on other merit of the case, I am inclined to extend the benefit of anticipatory bail to the applicant.
8. Accordingly, the anticipatory bail application is allowed.
9. It is directed that in the event of arrest, the applicant shall be released

on bail on her furnishing a bond in the sum of Rs.10,000/- with one surety for the like sum to the satisfaction of the officer arresting her and she shall abide by all the following terms and conditions:

- i. That, the accused/applicant shall make herself available for interrogation before the concerned Investigating Officer as and when required;
- ii. The accused/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. The accused/applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- iv. 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.

10. Certified copy, as per rules.

Sd/-
(Arvind Singh Chandel)
Judge