

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 763 of 2020

- Sanju Devi Pugalia W/o Rakesh Pugalia Aged About 41 Years R/o House No. 1032, Ward No. 18, Ganga Shahar, Beekaner, District (Revenue And Civil) Rajasthan, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Azad Chowk, District Raipur, Chhattisgarh.

---- Respondent

For Applicant : Shri Yogesh Pandey, Advocate.

For Respondent/State : Shri Alok Nigam, G.A.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

05/08/2020

1. Heard through video conferencing.
2. The applicant has preferred the first bail application under Section 438 of Cr.P.C. for apprehending her arrest in connection with Crime No. 333/2019 registered at Police Station Azad Chowk, District – Raipur, (C.G.) for the offence punishable under Sections 420, 406, 467, 468, 120-B/34 of the Indian Penal Code.
3. As per the case of the prosecution, complainant Harivallabh Agrawal is a partner of M/s Mahamaya Construction, Raipur and he has constructed and developed flats at Mahadev Road known as Shiv Vatika. He sold one Flat No. A/305 to present applicant on 24.12.2010

by way of registered sale deed. Subsequently, present applicant sold the said flat to one Subhash Kumar Mishra. Thereafter, on 29.10.2019 complainant made a report alleging that as per the provisions mentioned in the Sale Deed and Prakoshtha Declaration, payment of 2% of sale amount has to be made to the builder during subsequent sale of the flat and only thereafter, builder issues NOC. Allegedly, applicant knowing the above facts, with mala fide intention deposited the amount with co-accused Sushil Kumar Marwaha and obtained NOC from him instead of builder (Harivallabh Agrawal). On the basis of the report made by Harivallabh Agrawal, offence has been registered.

4. 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 main accused person is Sushil Kumar Marwaha and main allegations are levelled against him. He has already been granted benefit of anticipatory bail passed by this Court vide order dated 10.2.2020 in MCRCA 1995/2019. It is further submitted that if the entire case is taken as it is, *prima facie*, no case is made out against present applicant. Looking to the above, it is prayed that applicant may be granted benefit of anticipatory bail.
5. Learned Counsel appearing for the State opposes the bail application.
6. I have heard learned Counsel appearing for the parties and perused the material available.
7. 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 and particularly considering the fact that main accused person i.e. Sushil Kumar Marwaha has already been granted anticipatory bail by this Court vide order dated 10.2.2020 passed in MCRCA 1995/2019, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present applicant.

8. Accordingly, the bail application is allowed.
9. 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 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 her by the said Court till disposal of the trial.

Sd/-
(Arvind Singh Chandel)
Judge