

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 750 of 2020

Shital Tandan W/o Vijay Tandan Aged About 30 Years R/o House No. 16/1,
School Para, Tilaibhatha, Police Station Bodla, District Kabirdham Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Kabirdham,
District Kabirdham Chhattisgarh.

---- Respondent

For Applicant	: Mr. Dharmesh Shrivastava, Advocate.
For Respondent/State	: Mr. Ghanshyam Patel, G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

28/08/2020

1. The matter is heard through video conferencing.
2. The applicant has filed this bail application for grant of anticipatory bail under Section 438 of the Cr.P.C. as she is apprehending her arrest in connection with crime no. 236/2020, registered at Police Station Kabirdham, Distt. Kabirdham (C.G.) for the offence punishable under Sections 420 & 34 of the IPC.
3. In this case, there are total two accused persons. On 05.06.2020, FIR has been lodged by the complainant with the averment that on 20.01.2018 & 25.01.2018, he along with his cousin namely Gendu submitted online applications for the post of Police Constable and participated in physical test on 04.06.2018. It has been alleged that on 30.05.2019, the applicant who is the relative of co-accused Mohan Sahu, had taken the complainant and his cousin brother to Mohan Sahu by saying that co-accused Mohan Sahu would help them to recruit in the said post thereafter the complainant and his brother went to meet Mohan Sahu. Co-accused Mohan Sahu also allured them for providing job and demanded rupees five lacs from each of them, finally their deal was done for Rs. 3,50,000/- from each. On 03.06.2019, the complainant and his cousin brother gave cash of Rs. 50,000-50,000/- to co-accused Mohan Sahu. At that moment

applicant was also present with the co-accused. On 27.06.2019, the complainant and his cousin deposited Rs. 3,00,000-3,00,000/- in the account of co-accused Mohan Sahu. Thereafter, the co-accused neither provided them any job nor returned their money. On the basis of said background, offence has been registered against the applicant and the co-accused person.

4. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He further submits that virtually co-accused Mohan Sahu allured the complainant and his cousin brother. The applicant and four other persons have also been cheated by the co-accused persons for the same purpose and co-accused Mohan Sahu obtained Rs. 23,50,000/- from them. The applicant has also submitted online application for the post of Police Constable and she has also been allured by the co-accused and given money to him. Since, the applicant is the relative of the co-accused, therefore, she arranged meeting between the complainant and the co-accused. After giving money by the applicant and four other persons to the co-accused, he neither provided them any job nor returned their money. On the same facts on 23.12.2019, the applicant and four other persons given a written complaint to the concerned Superintendent of Police for which on 06.06.2020 FIR has been lodged against co-accused Mohan Sahu. The Counsel further submits that no role has been played by the applicant in the crime in question, all the money has been received by co-accused Mohan Sahu, he is the main accused in the crime in question and he has already been arrested. The Counsel lastly submits that prima facie no case can be made out against the applicant, therefore, it is prayed that the applicant may be granted benefit of anticipatory bail.
5. Per contra, learned counsel appearing on behalf of State opposes the bail application.
6. I have heard learned Counsel for both the parties.
7. Considering the facts and circumstances of the case, evidence collected by the prosecution, arguments advanced by both the counsel appearing for the parties, after perusal of FIR dated 06.06.2020 registered on the instance of written complaint made by the applicant and four other persons and further considering the fact that the main accused is Mohan Sahu who has already been arrested, charge-sheet has been filed,

without further commenting on other merits of the case, in my considered opinion, it is a fit case for grant 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 furnishing a personal bond for a sum of Rs. 25,000/- with one solvent 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 accused/applicant shall made 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.

Sd/-

(Arvind Singh Chandel)
Judge