

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No.1096 of 2020**

Smt. Pratima Goswami @ Meena Goswami W/o Kapileshwar Puri
Goswami Aged About 35 Years R/o Shail Bihar Mangla P. S. Civil Line
District Bilaspur Chhattisgarh

---- **Applicant**

Versus

State Of Chhattisgarh Through P. S. Civil Line District Bilaspur
Chhattisgarh

--- **Respondent**

For Applicant	:	Mr. Amit Kumar and Mr. Rajendra Kumar Patel, Advocates.
For Respondent/State	:	Ms. Hamida Siddiqui, Dy. A.G.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****01/12/2020**

Heard.

1. The applicant is apprehending her arrest in connection with Crime No.500/2020 registered at police station – Civil Line, District Bilaspur CG for alleged commission of offence under Section 420/34 of IPC.
2. Case of the prosecution is that co-accused Kapileshwar Puri Goswami, husband of the applicant collected Rs.5,00,000/- from the complainant on the assurance of getting a job for them in railways and in this manner, cheated the complainant. It is alleged that at the time when the money was advanced to Kapileshwar Puri Goswami, present applicant, his wife was also present in the house where money was given.
3. Learned counsel for the applicant submits that the applicant happens to be the wife of the co-accused Kapileshwar Puri Goswami. None of the complainant have stated regarding any overt act or any role played by the present applicant either in inducing or collecting money or doing any criminal overt act to make out a prima facie case that the applicant was sharing common intention with her husband Kapileshwar Puri Goswami and the presence of the applicant in the house was quite natural as she happens to be the wife of co-accused Kapileshwar Puri Goswami. Therefore, the applicant may be granted anticipatory bail.

4. On the other hand, learned counsel for the State would submit that though there is no specific overt act alleged against the present applicant, her presence in the house at the time when money was given by the complainant to Kapileshwar Puri Goswami, her husband, prima facie shows that she was also involved in the alleged commission of offence.

5. Considering the submission of learned counsel for the parties, on prima facie consideration, it appears that involvement of the applicant is based on her presence in the house where husband co-accused resided. Even according to complainant, allegation as contained in the FIR and in other document, the allegation is against Kapileshwar Puri Goswami only that he assured the complainant that he would arrange job for them and he demanded Rs.5,00,000/-. This amount of Rs.5,00,000/- is alleged to have been given to Kapileshwar Puri Goswami in his house. Even at the time of giving this money, there is no specific allegation against present applicant as to what role she played. Considering that the applicant is wife of the co-accused Kapileshwar Puri Goswami and her presence in the house is natural, in the considered opinion of this Court, present is a fit case for grant of anticipatory bail and the application is allowed.

6. Accordingly, it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, she shall be released on bail on her furnishing a personal bond in the sum of Rs.25,000/- along with one local surety for the like amount to the satisfaction of the arresting officer and the applicant shall abide by all the following terms and conditions -

- (i) that the applicant shall make herself available for interrogation by a Police Officer as and when required;
- (ii) that 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 facts to the Court or to any Police Officer.
- (iii) that she shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that she 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/-

(Manindra Mohan Shrivastava)

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