

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1978 of 2019**

- Smt. Shakuntala Devi Tekriwal, W/o. Shri N.P. Tekriwal, Aged About 64 Years Resident of Mig 21, Indrawati Colony, Raipur, District and Tehsil Raipur, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through Khamardih Thana, Raipur, Chhattisgarh.

---- Respondent

For Applicant	: Shri Abhyuday Singh, Advocate.
For Respondent/State	: Shri Anand Verma, Dy. G.A.
For Objector	: Shri Kashif Shakeel, Advocate.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**03/01/2020**

1. The applicant has preferred this first bail application under Section 438 of Cr.P.C. for apprehending arrest in connection with Crime No. 50/2019 registered at Police Station Khamardih, District – Raipur, (C.G.) for the offence punishable under Sections 420 r/w 34 of I.P.C.
2. As per the prosecution story, one Pankaj Tekriwal is the Managing Director of M/s Hi-Tech Abrasives Limited Company which is engaged in the business of producing and manufacturing iron and steel products. Applicant herein is the mother of Pankaj Tekriwal and also a partner of the said company. Complainant Naresh Andani has been operating a proprietorship firms namely Divya Ispat and his wife is also a proprietor of a firm namely Divya Sponge. Both firms have been a supplier of raw material to M/s Hi-Tech Abrasives Limited for its production since 2012-2013. Further case of the prosecution is that, for the intervening period of 24th June 2019 to 8th August 2019, both Divya Ispat and Divya Sponge have supplied raw material to M/s Hi-Tech Abrasives Limited Company worth Rs. 89,69,796/-. Pankaj

Tekriwal assured the complainant that he will return the money after getting benefit from the business. It is alleged that after supplying of raw materials, Pankaj Tekriwal did not make payment to the complainant and told him that due to recession he would make the payment later. On the basis of the said, offence has been registered.

3. Learned Counsel appearing for the applicant submits that the applicant is innocent and has been falsely implicated in the present case by the complainant. He further submits that present applicant is only the sleeping partner of Hi-Tech Abrasives Limited Company and she is not even aware about day to day affairs of the company. From the F.I.R., it is clear that allurement was made by Pankaj Tekriwal and not by present applicant. He further submits that the raw materials supplied by the complainant were of sub-standard quality and payment of said was disputed. He further submits that, *prima facie*, no case under Section 420 of I.P.C. can be made out against present applicant. Present case also seems to be of civil nature. Looking to the above, it is prayed that, applicant may be granted benefit of anticipatory bail.
4. Learned Counsel appearing for the State opposes the bail application. Counsel for Objector also opposes the bail application and submits that no intimation was made by the applicant and other co-accused persons regarding the low quality of materials supplied to them at the beginning. Thus, it seems that from the beginning they were having dishonest intention regarding making payment to the complainant. Looking to the above, anticipatory bail application may be rejected.
5. I have heard learned Counsel appearing for the parties and perused the material available 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 and further considering the fact that according to F.I.R. allurement has been made by co-accused Pankaj Tekriwal, 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 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