

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURMCRCA No. 65 of 2021

- Savita Nayak D/o Shankar Nayak Aged About 26 Years R/o House No.487, Nearby Church, Rajeev Gandhi Nagar, Raipur Naka, Ward No. 47, Durg, Tahsil And District Durg Chhattisgarh.

---- **Petitioner****Versus**

- State Of Chhattisgarh Through Station House Officer, Police Of Police Station City Kotwali Durg, District - Durg Chhattisgarh

---- **Respondent**

For Applicant	Mr. Purnendra Kichariya, Advocate
For Respondent /State	Mr. Ankit Tiwari, Panel Lawyer

SB.: Hon'ble Mr. Justice Prashant Kumar Mishra**Order On Board****3/3/2021**

1. Heard.
2. This is the second application filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the

applicant, who is apprehending her arrest in connection with Crime No.712/2020 registered at Police Station City Kotwali, Durg, District Durg (CG) for the offence punishable under Sections 420, 406 of the IPC.

3. The first application of the applicant was dismissed for non-compliance of the Court order dated 8.12.2020.
4. Pursuant to an agreement dated 28.6.2019, a business relation came to be established between the applicant and complainant Garuva Mane, the terms of which are mentioned in the agreement, which is part of the case diary. It is alleged that despite having issued bills and received payments, the applicant did not supply the goods to complainant Garuva Mane and defalcated an amount of Rs.16 lakhs.
5. Considering that the applicant is a young lady aged about 26 years and the dispute emanates from an agreement between the parties, I am inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.
6. Accordingly, the application is allowed and it is directed that in the event of arrest of the applicant, she shall be released on anticipatory bail on her furnishing a personal bond for a sum of Rs.50,000/- with one surety in the like sum to the satisfaction of the Arresting Officer with the following conditions :-
 - (i) she shall make herself available for interrogation by a Police Officer as and when required;

(ii) 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 him for disclosing such facts to the Court or to any Police Officer.

(iii) she shall not influence the witnesses during pendency of the trial.

Certified copy as per rules.

Sd/-

(Prashant Kumar Mishra)

Judge

Shyna