

HIGH COURT OF CHHATTISGARH, BILASPURM.Cr.C.(A) No.544 of 2021

Smt.Shephali Shukla W/o Shri Rajesh Shukla, aged about 62 years, R/o M-23, Rajeev Nagar, Raipur, District Raipur (CG)

-----Applicant

Versus

State of Chhattisgarh Through Police Station City Kotwali, Raipur, District- Raipur (CG)

---- Non-applicant

For Applicant	:	Mr.H.B.Agrawal, Senior Advocate with Mr.Pankaj Agrawal, Advocate
For Non-Applicant	:	Mr.H.S.Ahluwalia, Dy.A.G.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

21/05/2021

1. Proceedings of this matter have been taken-up through video conferencing.
2. Apprehending arrest in connection with Crime No.77/2020, registered at Police Station-City Kotwali, Raipur, District-Raipur (CG), for the offence punishable under Section 420/34 of the IPC, the applicant has filed this application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.
3. Case of the prosecution, in brief, is that the applicant and other co-accused persons entered into an agreement to sell a flat with complainant Smt.Mamta Jain and obtained ₹3,00,000/-, but thereafter the present applicant sold the said flat to Satya Sushant Verma on 17.5.2019 and thereby committed the aforesaid offence.

4. Mr.H.B.Agrawal, learned Senior Counsel with Mr.Pankaj Agrawal, learned counsel appearing for the applicant, would submit that the present applicant has not committed any offence and she has falsely been implicated in crime in question. Learned Senior Counsel would further submit that co-accused Sonal Shukla has already been granted anticipatory bail by a co-ordinate Bench of this Court on 19.6.2020 in M.Cr.C.(A) No.516 of 2020 and case of the present applicant is similar to that of co-accused Sonal Shukla. He would also submit that this is simply a civil dispute between the parties and that cannot be given colour of criminal offence and ₹3,00,000/- has already been returned to complainant Smt.Mamta Jain, as such, the applicant be granted anticipatory bail.
5. On the other hand, Mr.H.S.Ahluwalia, learned Deputy Advocate General for the State, would oppose the bail application.
6. I have heard learned counsel for the parties and perused the case diary.
7. Taking into consideration the facts and circumstances of the case, nature and gravity of offence, role of the present applicant, the fact that co-accused Sonal Shukla has already been granted anticipatory bail by a co-ordinate Bench of this Court in M.Cr.C.(A) No.516 of 2020 and the dispute appears to be civil in nature and considering the totality of the case, this Court is inclined to extent the benefit of anticipatory bail in favour of the applicant.
8. Accordingly, bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid

offences, she shall be released on bail by the officer arresting her on her executing a personal bond in the sum of ₹25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating/Arresting Officer. The applicant shall also abide by the following conditions:-

- (i) that she shall make herself available for interrogation before the concerned Arresting/Investigating Officer as and when required;
- (ii) that she shall not, directly or indirectly, make any inducement, threat or promise to the 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) that she shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that she shall also 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/-

(Sanjay K. Agrawal)
Vacation Judge

B/-