

(Proceedings through video conferencing)

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC (A) No.602 of 2021

- Zeba Khatun, W/o Abdul Khan, aged about 33 years, R/o Ram Sagar Para, near Talab, Police Station Kotwali, Korba, Tehsil and District Korba, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Police Chowki C.S.E.B., Station- Kotwali, District Korba (CG)

---- Non-applicant

For Applicant	:	Mr. Anshul Tiwari, Advocate.
For Non-applicant	:	Mr. Sudhir Sahu, Panel Lawyer.

Hon'ble Mr. Justice Parth Prateem Sahu

Order On Board

22/7/2021

1. This is an application under Section 438 of CrPC for grant of anticipatory bail to the applicant as she apprehends her arrest in connection with Crime No.1068/2020 registered at Police Chowki- CSEB, Station Kotwali, District Korba (CG) for commission of offence punishable under Sections 364, 364 (A), 386, 120-B, r/w 34 of the Indian Penal Code, 1860.
2. As per case of prosecution, on 12.12.2020 when Latif Khan was going to Indira Nagar, he was stopped by accused Abdul Khan, husband of present applicant, and his companions and on the ground of non-payment of amount of Rs.5 Lakhs, which was given to one Maqsood by accused Abdul Khan on the surety of Latif Khan, they kidnapped Latif Khan and taken him to some place and asked for his money. Accused Abdul Khan made telephone call to Saddam Hussain, nephew of Latif Khan, asking him to deposit ransom amount of Rs.2,10,000/- in bank account of present applicant else threatened to kill Latif Khan. Thereafter, Rs.70,000/- was deposited in the bank

account of present applicant, as asked by accused Abdul Khan. After deposit of Rs.70,000/-, accused Abdul Khan again made telephone call and told that Latif Khan will be released only after deposit of entire amount of Rs.2,10,000/-. FIR was lodged by Saddam Hussain on 13.12.2020 against Abdul Khan and his friends/ companions. During the course of investigation, Latif Khan was recovered from the house of co-accused Abdul Khan. Upon completion of investigation, charge sheet has been filed against six persons. Applicant is wife of Abdul Khan.

3. Mr. Anshul Tiwari, learned counsel for applicant submits that in this case, charge sheet has already been filed against co-accused persons, there is no material in the charge sheet showing involvement of present applicant in instant crime, except the fact that amount has been deposited in her bank account. As per material collected by the prosecution, co-accused Abdul Khan, husband of present applicant, provided bank account number of present applicant to the complainant party for depositing ransom amount. Victim Latif Khan has not stated her name that she ever came in contact of him at the time when he was detained. Hence, present applicant may be enlarged on anticipatory bail.
4. Mr. Sudhir Sahu, learned State Counsel opposes the submissions made by learned counsel for the applicant and submits that amount of Rs.70,000/- has been deposited in bank account of present applicant, wife of co-accused Abdul Khan, who along with his associates had kidnapped Latif Khan. As per statement of Latif Khan recorded under Section 164 of CrPC, he was kept in the house of Abdul Khan situated in Ramsagara Para and amount is deposited in her bank account. Hence, there is involvement of present applicant in instant crime. He read over the statement of Latif Khan recorded under Section 164 of CrPC. Upon query made to the State Counsel, he submits that victim Latif Khan has not

specifically taken name of present applicant or stated that she also came in contact with him.

5. I have heard learned counsel for the parties.
6. Taking into consideration the nature of allegations levelled against present applicant, material collected by prosecution, statement of Latif Khan recorded under Section 164 of CrPC, the fact that bank account number of present applicant was given by her husband Abdul Khan, without commenting anything on merits of the case, I am of the view that present is a fit case where applicant should be granted anticipatory bail.
7. Accordingly, the application is allowed and it is directed that in the event of arrest of applicant in connection with instant crime, she shall be released on anticipatory bail by the officer arresting her on her executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the Arresting Officer. The applicant shall also abide by the following conditions :
 - (i) that she shall make herself available for interrogation before the Investigating Officer as & when required;
 - (ii) that she shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of 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 appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.

Sd/-
(Parth Prateem Sahu)
Judge

roshan/-