

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 721 of 2021**

Chandrama Behra W/o Vishnu @ Vishwanath Gupta, Aged About 35 Years, Occupation Housewife, Caste Sodhi, Resident of Post Office and Village Tekari, P.S. Mujgahan, Tahsil Abhanpur, District Raipur, Chhattisgarh, Pin Code 493661.

---- Applicant**Versus**

State of Chhattisgarh Through the Station House Officer, Police Station Mujgahan, Tahsil Abhanpur, District Raipur Chhattisgarh.

---- Non-applicant

For Applicant : Shri S.P. Sahu, Advocate

For Non-applicant/State : Shri B.P. Banjare, Dy. Govt. Advocate

(Proceedings through Video Conferencing)**Hon'ble Shri Justice Parth Prateem Sahu****Order on Board****03.08.2021**

1. The applicant has preferred this first bail application under Section 438 of the Cr.P.C. for grant of anticipatory bail, as she is apprehending her arrest in connection with Crime No.16 of 2019, registered at Police Station Mujgahan, District Raipur (C.G.), for offence punishable under Section 419, 420, 467, 468, 471, 34 of Indian Penal Code.
2. Case of the prosecution in brief, is that, one Bhupesh Yadav along with eight others have submitted joint compliant before the concerned Police Station making allegations that they came into contact of co-accused Vikas Gupta alias Lalit Sinha, who informed them that he is having contacts with Ministers and other officers and have provided Government job to several persons in

Mantrayala and other Government Departments. Co-accused Lalit Sinha thereafter took the complainants to Vishnu alias Vishwanath Gupta i.e. husband of present applicant, to whom, each one of them gave Rs.5 Lacs on the ground that they will provide them Government job. At the time of handing over the money, present applicant was present there along with Vishnu alias Vishwanath Gupta. When complainants could not get Government job, they approached the co-accused Vishnu alias Vishwanath Gupta for return back of money, upon which, present applicant had executed one document in the shape of undertaking that she will return back the money. Based on the aforementioned complaint, instant crime was registered against Vishnu alias Vishwanath Gupta, Vikas Gupta alias Lalit Sinha and present applicant.

3. Shri S.P. Sahu, learned counsel for the applicant submits that all the act of assurance for providing Government job was given by Vikas Gupta alias Lalit Sinha and Vishnu alias Vishwanath Gupta. The present applicant has not interacted at any point of time with complainants, the complainants have deposited the amount with her husband Vishnu alias Vishwanath Gupta and not to her. She is residing in the same accommodation being wife of Vishnu alias Vishwanath Gupta. He further submits that when complainants pressurized Vishnu alias Vishwanath Gupta for refund of the money, under pressure of complainant and to save her husband, she has executed the document of undertaking. It is contended that other co-accused persons who are main accused has been enlarged on regular bail. Vikas Gupta has been enlarged on

regular bail in MCRC 1415 of 2021 vide order dated 31.05.2021 and Vishnu Gupta alias Vishwanath Gupta has been enlarged on regular bail by learned Court below. Copy of the order of bail is also placed on record.

4. Per contra, Shri B.P. Banjare, learned Deputy Government Advocate representing the State vehemently opposes the bail application and submits that at the time of accepting money deposited by complainants with Vishnu alias Vishwanath Gupta, present applicant was present there and she has further executed document in the shape of undertaking for refund of money deposited with Vishnu alias Vishwanath Gupta, hence, there is prima facie involvement of present applicant in commission of instant crime and she is not entitled for grant of anticipatory bail.
5. I have heard learned counsel for the parties.
6. The allegation against the present applicant is that she was present in the house along with Vishnu alias Vishwanath Gupta when complainants have deposited the money with her husband. Learned counsel representing the State has not disputed the fact that present applicant is wife of co-accused Vishnu alias Vishwanath Gupta, presence of present applicant in the house is by virtue of her relationship with co-accused Vishnu alias Vishwanath Gupta. Apart from it, further allegation is that she has executed the document in the shape of undertaking for refund of money.
7. Taking into consideration the facts and circumstances of the case, nature of allegations levelled by the complainants in the complaint making allegation of giving assurance of providing Government

job to them by Vikas Gupta alias Lalit Sinha and Vishnu alias Vishwanath Gupta and handing over the money to Vishnu alias Vishwanath Gupta, without commenting anything into the merits of the case, I am inclined to release the present applicant on anticipatory bail.

8. Accordingly, bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, she shall be released on anticipatory bail on her furnishing a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with one surety in the like sum to the satisfaction of the arresting officer and she shall be abide by the following conditions :-

(i) she shall make himself 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 her from 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/-
(Parth Prateem Sahu)
Judge