

(Proceedings through video conferencing)

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 799 of 2021

- Khalida Akhtar W/o Mohammad Taahir, aged about 27 years
R/o Kota Saraswati Nagar, Raipur, District Raipur (CG).

---- Applicant

Versus

- State of Chhattisgarh Through P.S. Civil Lines, Raipur District
Raipur (CG)

---- Non-applicant

MCRCA No. 801 of 2021

- Sarwari Begum W/o Dabir Mohammad, aged about 50 years
R/o Navipara, Bhangaram Chowk, Jagdalpur, Dist. Bastar (CG)

---- Applicant

Versus

- State of Chhattisgarh Through P. S. Civil Lines, Raipur District
Raipur (CG)

---- Non-applicant

MCRCA No. 802 of 2021

- Nigar Parveen W/o Gulam Faiz, aged about 30 years R/o
Sanjay Nagar, Raipur, District Raipur (CG)

---- Applicant

Versus

- State of Chhattisgarh Through Police Station Civil Lines, Raipur
District Raipur (CG)

---- Non-applicant

M.Cr.C. (A) No.799/21, 801/21 & 802/21

For Applicants	:	Mr. Prafull N Bharat, Sr. Advocate with Mr. Mayank Chandrakar, Advocate
For Non-applicant	:	Mr. Vimlesh Bajpai, Govt. Advocate

Hon'ble Mr. Justice Parth Prateem Sahu

Order On Board

9/8/2021

1. As the above anticipatory bail applications arise out of the same crime number, they are being heard together and decided by this common order.
2. Above three applications under Section 438 of CrPC have been

filed by **applicant-Khalida Akhtar, Sarwari Begum & Nigar Parveen** for grant of anticipatory bail to them as they apprehend their arrest in connection with Crime No.122/2021 registered at Police Station Civil Lines, Raipur District Raipur (CG) for commission of offence punishable under Sections 420, 467, 468, 471, 409 r/w 34 of IPC and Section 66 of the Information Technology Act.

3. Case of the prosecution, in brief, is that the Zone Commissioner, Zone No.3, Municipal Corporation, Raipur lodged written complaint on 15.3.2021 in the concerned police station mentioning therein that Ganga Prasad Sinha, working as Assistant Grade-III and dealing with work of preparing pay bills of the employees of Municipal Corporation, Raipur, along with Neha Parveen, who is working as Computer Operator in Municipal Corporation, Raipur, has manipulated municipal records and illegally withdrew Rs.71,18,961/-. Amounts were also deposited as salary in the name of their relatives showing them to be employees of Municipal Corporation, Raipur. Amount of salary has been deposited in the bank account of Khalida Akhtar, Sarwari Begum & Nigaar Parveen. Based on aforementioned written report, instant crime is registered against Ganga Ram Sinha & Neha Parveen. During the course of investigation, present applicants have also been arrayed as accused along with others.
4. Mr. Prafulla N Bharat, learned Senior Counsel for applicants would submit that present applicants are not the employees of

Municipal Corporation, Raipur. Allegation of preparing forged pay bill towards salary is against accused Ganga Ram Sinha & Neha Parveen, who are working as Assistant Grade-III & Computer Operator respectively in Municipal Corporation Raipur. Present applicants have neither opened bank account nor operated the same in which alleged amount of salary has been deposited. The prosecution has not collected any material showing that it is present applicants who have opened bank accounts and have withdrawn money deposited towards salary from the bank account of Municipal Corporation, Raipur. Hence, present applicants may be extended benefit of anticipatory bail under Section 438 of CrPC.

5. Mr. Vimlesh Bajpai, learned State Counsel opposing the submissions made by learned Senior Counsel for all the applicants submits that there is withdrawal of huge amount of Rs.71,18,961/- by the employees of Municipal Corporation, Raipur in collusion with present applicants. Amount towards salary has been deposited in their bank accounts and the same has been withdrawn from time to time. Thus, there is involvement of present applicants also in instant crime, hence, they are entitled for grant of anticipatory bail.

On putting a specific query to learned State Counsel with regard to material collected by prosecution in the course of investigation, particularly seizure of documents relating to opening of bank account, he submits that the documents with regard to opening of bank account in the name of present

applicants are not available in case diary. However, he submits that statement of bank account has been seized by police wherein it is mentioned that bank account of Khalida Akhtar has been opened on 1.10.2017, bank account of Sarwari Begum has been opened on 17.7.2017, however, there is no detail in case diary with respect to opening of bank account of Nigaar Parveen.

6. I have heard learned counsel for the parties.
7. Taking into consideration the nature of allegations levelled against present applicants, the fact that present applicants are not the employees of Municipal Corporation, Raipur; the material available in case diary, without commenting anything on the merits of case, I am of the view that present is a fit case where applicants should be granted anticipatory bail.
8. Accordingly, all the three anticipatory bail applications are allowed and it is directed that in the event of arrest of applicants **Khailda Akhtar (M.Cr.C. (A) No.799/21), Sarwari Begum (M.Cr.C. (A) No.801/21) & Nigaar Parveen (M.Cr.C. (A) No.802/21)** in connection with the crime in question, they shall be released on anticipatory bail by the officer arresting them on their executing a personal bond in the sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the Arresting Officer. The applicants shall also abide by the following conditions :
 - (i) that they shall make themselves available for interrogation before the Investigating Officer as and

when required;

- (ii) that they 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 Court or to any police officer;
- (iii) that they shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that they shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-
(Parth Prateem Sahu)
Judge

roshan/-