

NAFR

(Proceedings through video conferencing)

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 825 of 2021**

- Smt. Sandhya Bhatia, wife of Late Sukhdev Bhatia, aged about 40 years, resident of Mathpara, Bajrang Chowk, Raipur (CG)

---- Applicant

Versus

- State of Chhattisgarh through Station House Officer, Police Station Komakhan, District Mahasamund (CG).

---- Non-applicant

For Applicant	:	Mr. C.R. Sahu, Advocate
For Non-applicant	:	Mr. Vimlesh Bajpai, Govt. Advocate.

Hon'ble Mr. Justice Parth Prateem Sahu**Order On Board****20/7/2021**

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.66/2021 registered at Police Station Komakhan, District Mahasamund (CG) for commission of offence punishable under Section 34 (2) of the Excise Act and Sections 468 & 471 of the Indian Penal Code, 1860. (Initially instant crime is registered under Section 34 (2) of IPC, subsequently offences under Sections 468 & 471 of IPC are added).
2. As per case of the prosecution, on 29.4.2021 based on secret information, the police intercepted white colour Car bearing registration number CG04-HK-1825 and on search being made, 300 nos. of pouches of 'Zebra' brand country-made liquor, each containing 200 ml liquor (total 60 bulk liter), were seized from possession of co-accused persons travelling in that car, who were identified as Tarun Tiwari, Saban Das & Rajesh Mukherjee. Vehicle as also illicit liquor was seized,

persons travelling in the car were arrested by the police and offence under Section 34 (2) of the Excise Act is registered against them. During the course of investigation, on the basis of statement, registration papers of car in question were seized from possession of present applicant in which she has been shown to be registered owner of car in question. It is also alleged that present applicant had illegally affixed board on her car showing her to be President, National Human Rights Commission and Social Justice Bureau, therefore, applicant is also made accused in this case.

3. Mr. C.R. Sahu, learned counsel for the applicant would submit that allegation against present applicant is only under Sections 468 & 471 of IPC. Applicant is a house-wife, car in question is used by her husband namely Rakesh Sahu, who is post holder as nominated President of Human Rights Commission and Social Justice Bureau. Applicant has not used any board/plate on her car as alleged against her. There is no allegation that applicant was seen travelling in car at the time of accident.
4. Mr. Vimlesh Bajpai, learned Government Advocate for the State opposing the submissions made by learned counsel for applicant would submit that during the course of investigation, papers of car in question are seized by police in which present applicant has been shown to be registered owner. Hence, present applicant is also made accused in instant crime. On a specific question being asked by the Court as to whether there is any allegation of forgery committed by present applicant, learned State Counsel upon going through the diary replied that co-accused Rakesh Sahu, husband of present applicant, was nominated President of Youth Cell of National Human Rights Commission and Social Justice Bureau, he is also arrayed as an accused in instant crime and as per submission of learned counsel for applicant, he has been arrested by police during pendency of anticipatory bail application filed by

him. He also submits that applicant was not found at the time when car was intercepted.

5. I have heard learned counsel for the parties.
6. Taking into consideration the facts and circumstances of case, nature of allegations and the fact car is registered in the name of present applicant only; she was not travelling in car at the time of incident; husband of present applicant, who was nominated as President of Youth Cell of National Human Rights Commission and Social Justice Bureau, 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 crime in question, 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 him by the said Court till disposal of the trial.

Sd/-
(Parth Prateem Sahu)
Judge

roshan/-