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HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1014 of 2021

Shahinparveen Md. Kalim W/o Ejaz Sarosh Kaleem, Aged About 33 Years, R/o Qr. No. MQ 120, Behind Hanuman Mandir, Mukam Post Vaigaon, Gheturli, W.C.L. Colony, Umred, Nagpur (M.H.)

---- Applicant

Versus

State of Chhattisgarh Through P.S. Amanaka Raipur, District Raipur Chhattisgarh.

---- Non-applicant

For Applicant : Shri Syed Imtiaz Ali, Advocate

For Non-applicant/State : Shri Vimesh Bajpai, Govt. Advocate

(Proceedings through Video Conferencing)

Hon'ble Shri Justice Parth Prateem Sahu

Order on Board

02.09.2021

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.98 of 2021, registered at Police Station Amanaka, Raipur (C.G.), for offence punishable under Sections 420, 467, 468 & 471 of Indian Penal Code.

2. Case of the prosecution in brief, is that, Assistant General Manager of Canara Bank lodged a written report on 07.05.2021 mentioning therein that on 08.03.2021, Director of M/s Vishnu Laxmi Land Developers and Builders, Raipur had opened a current account bearing No.330620100404. In the said account, co-accused Suhas Harishchandra Kale deposited the cancelled cheque of A/c No.2518111007307 of M/s, Bihar State Road

Development Corporation Limited, Patna and fraudulently withdrawn an amount of Rs.3,60,41,000/-. Based on the written report, First Information Report was registered against the Director of M/s Vishnu Laxmi Land Developers and Builders, Raipur i.e. Suhas Harishchandra Kale. During the course of investigation, from CCTV camera footage, it was detected that once co-accused Suhas Harishchardra Kale came to Bank on vehicle No.MH-49/BB/4777. On search of number of vehicle, it was found that it was registered in the name of applicant.

3. Shri Syed Imtiaz Ali, learned counsel for the applicant would submit that as per allegation levelled in First Information Report, it is the co-accused Suhas Harishchandra Kale who deposited the cancelled cheque and fraudulently withdrawn the huge amount from the account of M/s. Bihar State Road Development Corporation Limited, Patna. He further submits that there is no involvement of applicant in any manner in instant crime except flashing of number of car in CCTV camera footage, on which, main accused came to Bank. It is contended that though the Car is registered in the name of applicant, but is being used by her husband, who is having friendly relationship with main accused Suhas Harishchandra Kale. It is further contended that applicant is having small child, aged about 2 years, who is suffering from medical ailment, hence, she may be enlarged on anticipatory bail.

4. Per contra, Vimesh Bajpai, Government Advocate representing the State opposing the submissions made by learned counsel for the applicant, would submit that as per allegation, there was

fraudulent withdrawal of huge amount of Rs.3,83,41,000/- from the bank account of Canara Bank in the name of M/s. Bihar State Road Development Corporation Limited, Patna, hence, applicant is not entitled for grant of anticipatory bail.

5. However, upon putting a specific query with regard to nature of allegations levelled against present applicant and role played by her, he submits that as per case diary, applicant has been involved in the crime because the Car, on which, applicant and co-accused Suhas Harishchandra Kale visited the Bank, is registered in the name of applicant. He also submits that in the memorandum statement of main accused Suhas Harishchandra Kale, there is no mention of the name of applicant.

6. I have heard learned counsel for the parties.

7. Taking into consideration entire facts and circumstances of the case, nature of allegations, the manner, in which, offence is said to be committed by main accused Suhas Harishchandra Kale and material available in the case diary, 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 abide by the following conditions :-

(i) she shall make herself 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

Yogesh