

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1360 of 2020

Sushila Tomar W/o Late Shri Om Prakash Tomar Aged About 70 Years R/o Sai Villa, Bhatagaon, Tahsil And District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Purani Basti, Tahsil And District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondent

For Applicant	:	Shri Vivek Mishra, Advocate
For State	:	Shri Shubham Verma, Panel Lawyer

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

25/02/2021

Heard.

1. The applicant has filed this application for grant of anticipatory bail under Section 438 Cr.P.C. as she is apprehending her arrest in connection with Crime No. 178/2019, registered at Police Station -Purani Basti, Tahsil & District- Raipur (C.G.) for the offence punishable under Section 420/34 IPC.
2. Case of the prosecution, in brief, is that the applicant and co-accused collected approximately Rs.10 lakhs in the name of providing employment to the complainant.
3. Learned counsel for the applicant would argue that the applicant has been falsely implicated in the alleged commission of offence. There is no document or receipt of transfer of any amount in the account of the applicant and the

case of the prosecution is based only on oral statement of complainant and one witness. It is next submitted that in the preset case, co- accused is the son of the applicant and in order to extract pressure because of some dispute with the son of the applicant, applicant is being falsely implicated. It is submitted that as far as present case is concerned, the complainant has already entered into compromise with regard to return of amount. Learned counsel for the applicant lastly submits that the applicant may be granted anticipatory bail on special consideration that she is an old lady aged about 70 years and suffering from various ailments.

4. On the other hand, learned counsel for the State opposed the application by submitting that witnesses have stated regarding passing of Rs.4 lakh in the hands of the present applicant by the complainant in the year 2018 in the name of providing employment. He submits that though the complainant has submitted NOC in the Court below with regard to grant of bail to the present applicant, there is no order of compounding of offence till date.
5. Taking into consideration the submissions made by learned counsel for the parties, taking into consideration the material with regard to allegation against the applicant, there being no documentary evidence of payment of any money to the present applicant by the complainant and further taking into consideration that the co-accused has already been released on account of non-filing of the charge sheet within the stipulated time and considering that the applicant appears to be an old lady aged 70 years and said to be suffering from various ailments, I am inclined to extend benefit of anticipatory bail to the applicant.
6. Accordingly, this 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 bail on her furnishing a personal bond in the sum of Rs.25,000/- along with one local surety for the like amount to the satisfaction of the arresting officer with following further terms and conditions: -
 - (i) that the applicant shall make herself available for interrogation by the police officer as and when required;

(ii) that the applicant 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 him from disclosing such facts to the Court or to any police officer;

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Praveen