

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC (A) No.1138 of 2021**

- Neha Parveen, W/o Mausin Khan, aged about 33 years, R/o Near Mowa Idgah, P.S. Pandari, Raipur, District Raipur (CG)

---- Applicant**Versus**

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

---- Non-applicant

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

Hon'ble Mr. Justice Parth Prateem Sahu**Order On Board****1/10/2021**

- This is first application under Section 438 of CrPC for grant of anticipatory bail to applicant as she apprehends her arrest in connection with Crime No.122/2021 registered at Police Station Civil Lines, Raipur 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.
- Case of prosecution, in brief, is that applicant, who is working in Municipal Corporation, Raipur and posted as Computer Operator in Zone Office No.3, Raipur, by forging government records / documents has withdrawn Rs.71,18,961/- in connivance with co-accused Ganga Prasad Sinha, Assistant Grade-III, Municipal Corporation Raipur. After detecting aforementioned criminal conspiracy and fraudulent withdrawal of amount from bank account of Municipal Corporation Raipur, report was lodged by the Zone Commissioner based upon which aforementioned crime is registered against applicant and others.
- Mr. Prafulla N Bharat, learned Senior Counsel for applicant submits that applicant is working on small post of Computer Operator under accused Ganga Prasad Sinha, Assistant Grade-III, Municipal Corporation, Raipur. All the documents

are to be prepared and got approved from Accountant by accused Ganga Prasad Sinha. List of employees is to be prepared by Ganga Prasad Singh and thereafter it has to be forwarded to the Accountant and only after approval of Accountant, amount is being disbursed in respective bank accounts of employees. On being asked by accused Ganga Prasad Sinha, applicant has provided details of her family members to him. Role of applicant is only to make entries in computer system. She was not aware about opening of forged bank accounts in the name of her relatives. Investigating Agency after completion of investigation has submitted challan but there is no document showing opening of bank accounts in the name of relatives of applicant. Offence, as alleged, against applicant would not be made out. Prior to registration of FIR, notice was issued to applicant upon which applicant submitted her detailed reply pleading ignorance about commission of crime in question. It is accused Ganga Prasad Sinha who prepared entire documents, hence applicant may be enlarged on anticipatory bail.

4. Mr. Vimlesh Bajpai, learned Government Advocate for the State opposes the submissions made by learned Senior Counsel for applicant and submits that it is applicant who entered name of employees in computer system as also in pay bill. After entering data in computer, print out of bills and list of persons in whose name money is to be transferred is further forwarded for approval. Applicant was well aware that her relatives, who are also co-accused, are not in employment or in any manner related with Municipal Corporation, Raipur so as to make payment to them, but even then she entered name of her relatives in list of employees of Corporation. There is clear involvement of applicant in commission of crime in question. She prepared list by entering data in computer as also bills for payment. Hence, she is not entitled to be released on anticipatory bail.

5. I have heard learned counsel for the parties.
6. Allegation is that applicant and co-accused Ganga Prasad have fraudulently entered names of their relatives in list of employees, wages/salary has been deposited in their bank account. Applicant herself is Computer Operator, she has prepared list showing name of her relatives knowing well that they are not employees of Municipal Corporation, Raipur.
7. Taking into consideration nature of allegations levelled against applicant; role of applicant and manner in which aforementioned crime is alleged to have been committed, I am not inclined to grant anticipatory bail to applicant.
8. Accordingly, application filed under Section 438 of CrPC for grant of anticipatory bail is rejected.

Sd/-
(Parth Prateem Sahu)
Judge

roshan/-