

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1712 of 2020**

- Bhawna Sahay, W/o Rajesh Bhai Sahay, Aged About 43 Years, R/o- C/o Pramod K Adholia, B-102, Imperia Residency, Vasna Bhayli Road, Near Bright School, Vadodara Gujarat, 391410 M.No. 9827908581.

---- Applicant**Versus**

- State Of Chhattisgarh Through- Station House Officer, Kotwali Ambikapur, Thana- Surguja (Chhattisgarh).

---- Respondent

For Applicant : Shri Vivek Tankha, Senior Advocate with
Shri Sandeep Dubey, Adv.

For Respondent/State : Shri Sameer Sharma, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****07.06.2021**

1. The matter is heard through video conferencing.
2. This application under Section 438 of the Code of Criminal Procedure has been filed by the applicant who is apprehending her arrest in connection with Crime No. 389/2020 registered at Police Station- Kotwali Ambikapur, Thana Distt.- Surguja (C.G.) for commission of the offence punishable under Sections 419, 420 of IPC, 1860 & Section 10 of Chhattisgarh Protection of Depositors Interest Act, 2005, U/s 66-D of IT Act.
3. Case of the prosecution is that, complaint lodged by the complainant alleging that to the effect that Director/Manager of Wish Wallet Company namely Ashok Acharya committed fraud with many persons by making them deposit money with the company on the allurements of getting four times return within four weeks. The applicant Ashok Acharya and other applicants

herein who are agents of the said company, on the pretext of failure of link and server being down, did not return the money to the investors as promised by them. Based on this, offence was registered against the present applicant.

4. Learned counsel for the applicant submits that the present applicant is innocent and has been falsely implicated in this case. He further submits that present applicant is not a main accused person and the main accused person make her scapegoat in his fraud. He next added that other co-accused persons except main accused person namely Ashok Acharya, have been granted bail in MCRC Nos. 5912/2020, 6315/2020 & 6874/2020 by this Court, charge-sheet has already been filed. He has also placed a reliance in the case of **Mulchand Dewangan Vs. State of Chhattisgarh** judgment passed by the High Court **reported in (2020) SCC online C.G. 146**.
5. On the other hand, counsel for the State however opposes the application for anticipatory bail.
6. After hearing counsel for the parties and considering the facts and circumstances of the case, this Court is of the considered opinion that it is a fit case to grant anticipatory bail to the applicant. Accordingly, the application is allowed. It is directed that in the event of arrest of the applicant in connection with aforesaid crime number, she shall be released on bail on her furnishing a personal bond in the sum of Rs. 1,00,000/- with one local surety for the like sum to the satisfaction of the concerned arresting/ investigating officer or the Court concerned, as the case may be, with the following terms and conditions:
 - (i) that the applicant shall make herself available for interrogation before the concerned investigating 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 or the case as to dissuade him/her from disclosing such facts to the Court or to any police officer;
 - (iii) that the applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and

- (iv) that the applicant shall appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.

Sd/-
(Rajani Dubey)
Judge

Ruchi