
(2019) 02 CHH CK 0406
Chhattisgarh High Court
Case No: MCRCA No. 202 Of 2019

Rukhmani Nag

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

Date of Decision: Feb. 21, 2019

Acts Referred:

- Code Of Criminal Procedure, 1973 - Section 438
- Indian Penal Code, 1860 - Section 34, 420, 467, 468, 471

Hon'ble Judges: P. Sam Koshy, J

Bench: Single Bench

Advocate: U.K.S. Chandel, Sunita Jain

Final Decision: Allowed

Judgement

P. Sam Koshy, J

1. The present is an application filed under Section 438 of Cr.P.C. seeking for anticipatory bail to the applicant apprehending her arrest in connection with Crime No. 83/2017 registered at Police Station Bagbahar, District Jashpur (C.G.) for the offence punishable under Sections 420, 467, 468 & 471/34 of IPC.

2. As per the prosecution case, it is a case where a false account was opened in Central Bank, Bagbahar, District Jashpur and a KCC loan was released for an amount of Rs. 2,50,000/- in the name of Dilsay Nag who is the complainant in the instant case and who came to know about the loan only when the recovery notice was sent to her and then she made a complaint that she has never applied or obtained the loan from the said bank. In

the course of investigation it was found that the documents which were placed for opening of account were verified by the present complainant.

3. The counsel for the applicant submits that, except for the seal and signature of the applicant which is found in the case diary in the course of

investigation, there is no other substantial material which the prosecution has collected in the course of investigation by which she could be directly

implicated in the said case. He further contended that, none of the witnesses who have been examined have also narrated the role of the present

applicant in the commission of the said offence and thus prayed for giving the benefit of anticipatory bail to the applicant.

4. The State counsel however opposing the bail application submits that, the role played by the applicant is to the extent that, the present applicant has

identified photograph of one Nanki Rawat and has verified it as Dilsay i.e. the name of the complainant for the purpose of submission of application

for opening of the account and for release of the loan under KCC and given the nature of role played by the applicant, she does not deserve bail at this

juncture and thus prayed for rejection of the same.

5. Having heard the contentions put forth on either side and on perusal of record particularly taking into consideration the fact that the applicant is a

middle aged lady and that the only allegation against her is that of having verified the document, this Court is of the opinion that present is a fit case

where the applicant is entitled for benefit of Anticipatory Bail.

6. Accordingly, the application under Section 438 of Cr.P.C. is allowed. It is directed that in the event of arrest of the present Applicant in connection

with the aforesaid offence, she shall be released on bail on furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like amount 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 of the case so 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 them by the said Court till disposal of the trial.