2026:CGHC:20718

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRCA No. 639 of 2026

1. Smt. Uma Agrawal W/o Anil Agrawal Aged About 62 Years R/o Plot No. 10, Nehru Nagar (Old), Bhilai, Police Station Supela, District Durg Chhattisgarh

2. Smt. Rama Agrawal W/o Sunil Agrawal Aged About 59 Years R/o Plot No. 10, Nehru Nagar (Old), Bhilai, Police Station Supela, District Durg Chhattisgarh

3. Smt. Kanta Agrawal W/o Vijay Agrawal Aged About 56 Years R/o Plot No. 10, Nehru Nagar (Old), Bhilai, Police Station Supela, District Durg Chhattisgarh

... Applicants

versus

State of Chhattisgarh Through Station House Officer Jamul, Durg, Distt Durg Chhattisgarh

... Non-applicant

For Applicants	:	Mr. Rajeev Shrivastava, Senior Advocate assisted by Mr. Jaydeep Singh Yadav, Advocate.
For Non-Applicant/State	:	Dr. Sourabh Pande, Dy. Advocate. General.

Hon'ble Mr. Ramesh Sinha, Chief Justice

Order on Board

04.05.2026

1. This **Third Anticipatory Bail** application under Section 482 of the Bhartiya Nagarik Suraksha Sanhita, 2023 has been filed by the applicants , who are apprehending their arrest in connection with Crime

No. 108/2009 registered at Police Station – Jamul, District – Durg (C.G.) for the offences punishable under Sections 409 and 34 of the Indian Penal Code.

2. The case of the prosecution, in brief, is that applicant Nos. 1 and 2 were the Directors of M/s ABS Steel Ltd. and M/s ABS Metal Ltd., whereas applicant No. 3 is the Director of M/s DM Engineering Ltd. The applicants had taken a loan of Rs. 10 crores for ABS Metal Ltd. and Rs. 14 crores for ABS Steel Ltd. from Punjab National Bank. M/s DM Engineering Ltd. had also taken a term loan of Rs. 84 lakhs and a cash credit limit of Rs. 8 crores from the said bank. It is alleged that in May 2009, when stock verification was carried out by Punjab National Bank, stock worth only Rs. 50 lakhs was found. Upon enquiry, it was revealed that the applicants, with the help of co-accused Anil Agrawal, Sunil Agrawal, and Vijay Agrawal (now acquitted), had sold the entire stock without informing the bank. The said three co-accused persons were arrested by the police after registration of FIR bearing Crime No. 108/2009 under Sections 406/34 of the IPC dated 17.05.2009 at Police Station Jamul, District Durg. After completion of the investigation, a charge sheet was filed against them, and the present applicants were shown as absconders.

3. Mr. Shrivastava, learned Senior Advocate, submits that the present applicants are innocent and have been falsely implicated in the present case. He submits that after the lodging of the FIR, the applicants had preferred an anticipatory bail application before the Co-ordinate Bench of this Court in MCRCA No. 708/2009, which came to be dismissed. Thereafter, the co-accused persons, namely, Anil Agrawal, Vijay Agrawal, and Sunil Agrawal, were arrested on 07.08.2009 and remained in custody until the judgment of conviction was passed by the learned

JMFC, Durg, in Criminal Case No. 156/2009, whereby they were sentenced to undergo rigorous imprisonment for 3 years under Section 409 of the IPC.

4. Mr. Shrivastava further submits that, being aggrieved by the said judgment of conviction, the co-accused persons preferred Criminal Appeal No. 12/2011, wherein they were acquitted by the learned Additional Sessions Judge, Durg, vide judgment dated 08.07.2011. The learned appellate Court held that the judgment of conviction passed by the learned trial Court was unsustainable, as it had not been proved that the co-accused persons had mortgaged the property, nor was the prosecution able to establish the hypothecation deed and other material documents. Following the acquittal of the co-accused persons, the present applicants preferred a second anticipatory bail application before the Co-ordinate Bench of this Court in MCRCA No. 790/2016, which was dismissed as withdrawn on 21.07.2016, with liberty to file a regular bail application before the trial Court after their arrest.

5. It is further submitted that the Hon'ble Supreme Court of India, in the case of *Rani Dudeja vs. State of Haryana*, AIR 2017 SC (Supp) 253, has held that even where an earlier anticipatory bail application has been withdrawn without adjudication on merits, a subsequent application under Section 438 Cr.P.C. can still be considered on merits upon a change in circumstances, and that the principle of res judicata does not apply to bail proceedings.

6. Mr. Shrivastava also submits that the present applicants are suffering from various medical ailments. The applicants are stated to be suffering from hypertension and diabetes mellitus. Applicant No. 1 has a history of appendicitis and is also suffering from hepatomegaly with Grade II fatty infiltration (enlarged liver). Applicant No. 2 is suffering from Grade I LVDD (Left Ventricular Diastolic Dysfunction) and serious ophthalmic issues, for which she is undergoing continuous medical treatment. It is further submitted that the FIR was lodged in the year 2009, and despite the lapse of more than 15 years, the applicants have not been arrested. They are the wives of the already acquitted co-accused persons and have never absconded, rather, they have always remained available and cooperated with the investigation. It is also submitted that the entire loan amount has already been repaid to the complainant, namely, Punjab National Bank, which fact has also been recorded in the judgment passed by this Court in ACQA No. 142 of 2011 vide order dated 23.03.2026. On the aforesaid grounds, learned Senior Counsel prays for grant of anticipatory bail to the applicants.

7. On the other hand, learned State counsel opposes the anticipatory bail application and submits that the applicants are involved in a serious economic offence concerning the misappropriation of bank funds. It is argued that the allegations against the applicants are grave in nature and relate to offences punishable under the provisions of the IPC. However, learned State counsel does not dispute the factum of repayment of the loan amount.

8. I have heard learned counsel for the parties and perused the case diary.

9. Considering the overall facts and circumstances of the case, particularly the fact that the entire loan amount has been repaid to the complainant bank, the applicants have not been arrested for more than 15 years, and they have cooperated with the investigation throughout, coupled with their medical condition, this Court is of the opinion that custodial interrogation of the applicants is not required. Therefore, without further commenting on merits of the case, I am inclined to grant anticipatory bail to the present applicants.

10. Accordingly, the instant MCRCA is **allowed** and it is directed that in the event of arrest of the applicants – **Smt. Uma Agrawal, Smt. Rama Agrawal** and **Smt Kanta Agrawal**, on executing a personal bond and one surety **each** in the like sum to the satisfaction of the arresting Officer, they shall be released on bail on the following conditions:-

(a) they 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 them from disclosing such fact to the Court.

(b) they shall not act in any manner which will be prejudicial to fair and expeditious trial.

(c) they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

(d) the applicants and the sureties shall submit a copy of their adhaar card along with a coloured postcard full size photo having printed the adhaar number on it, which shall be verified by the trial Court.

(e) they shall not involve themselves in any offence of similar nature in future.

Sd/-
(Ramesh Sinha)
CHIEF JUSTICE

Abhishek