



2026:CGHC:20716



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRCA No. 655 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, Distt.- Durg (C.G.)

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

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

... Applicants

versus

State of Chhattisgarh Through Station House Officer- Jamul, Durg, District- Durg (C.G.)

... 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. 164/2009 registered at Police Station – Jamul, District – Durg (C.G.) for the offences punishable under Sections 420 and 120B/34 of the Indian Penal Code.

2. The first anticipatory bail application of the applicants being MCRCA No. 707/2009 was rejected by the Co-ordinate Bench of this Court vide order dated 22.09.2009 on merits, thereafter the applicants preferred second anticipatory bail application being MCRCA No.790/2016 which was dismissed as withdrawn by the Co-ordinate Bench of this Court vide order dated 21.07.2016 with liberty to file regular bail application before the trial Court after the arrests of the applicants.
3. The case of the prosecution, in brief, is that the complainant, Arjun Agrawal, a businessman engaged in iron trading, had been carrying on business dealings for about two years prior to the alleged incident with firms namely AVS Steel, ABL Steel and Metal DM Engineering, owned and operated by co-accused Anil Agrawal, Sunil Agrawal and Vijay Agrawal, along with their wives, namely Uma Agrawal, Rama Agrawal and Kanta Agrawal, who are the present applicants. During the course of such transactions, the outstanding liability of the said firms allegedly escalated to approximately Rs. 2 crores, and upon repeated demands for repayment, the accused persons, including the present applicants, issued certain cheques to the complainant assuring payment, which, however, was not honoured, and it was further alleged that the accused persons had dishonestly taken raw material from the



complainant and disposed of the manufactured goods. Pursuant thereto, an FIR bearing Crime No. 164/2009 was registered at Police Station Jamul, District Durg, under Sections 420 and 120B/34 of the IPC against all the accused persons, including the present applicants. It is further the prosecution case that earlier anticipatory bail application filed by the present applicants in MCRCA No. 707/2009 was dismissed by the Co-ordinate Bench of this Hon'ble Court, and thereafter the co-accused persons, namely Anil Agrawal, Vijay Agrawal and Sunil Agrawal, were arrested in August 2009 and subsequently convicted by the learned JMFC, Durg in Criminal Case No. 108/2009 vide judgment dated 25.01.2011, however, in appeal, the learned Additional Sessions Judge, Durg, vide order dated 08.07.2011 passed in Criminal Appeal No. 10/2011, acquitted the said co-accused persons, inter alia, on the ground that the cheques in question were not issued in the name of the complainant but in the name of Prakash Industries Ltd., and there was no authorization in favour of the complainant to initiate the complaint. It is further stated that a subsequent anticipatory bail application filed by the present applicants in MCRCA No. 790/2016 was dismissed as withdrawn with liberty to file a regular bail application after arrest. It is also submitted that in view of the law laid down by the Hon'ble Supreme Court in Rani Dudeja vs. State of Haryana, a subsequent anticipatory bail application is maintainable upon change in circumstances. The applicants have further stated that they are suffering from various medical ailments, including hypertension, diabetes mellitus,



appendicitis, hepatomegaly (enlarged liver), Grade 1 LVDD, and serious eye-related issues requiring continuous treatment, and in view of the acquittal of the co-accused persons and their medical conditions, the present third application for anticipatory bail has been preferred.

4. Learned Senior Counsel for the applicants submits that the allegations levelled against the applicants are false, fabricated and devoid of any merit, and the applicants, being innocent, have been falsely implicated in a dispute which essentially arises out of commercial and financial transactions of civil nature but has been given a colour of criminality under Section 420 of the IPC. It is further submitted that the applicants are wives of the main accused persons, namely Anil Agrawal, Sunil Agrawal and Vijay Agrawal, have already been acquitted by the learned Appellate Court, and the allegations against the present applicants are identical and inseparable, thereby entitling them to the benefit of parity. It is also contended that the learned Additional Sessions Judge, Durg has categorically held that the cheques in question were not issued in the name of the complainant and that there was no authorization in his favour, which strikes at the very root of the prosecution case and renders it highly doubtful.
5. Learned Senior Counsel further submits that the FIR pertains to the year 2009 and for more than 15 years the applicants, who are wives of the co-accused persons, have neither been arrested nor have they absconded, and have always been available for cooperation, which clearly indicates that custodial interrogation is



not required, particularly when the charge-sheet has already been filed and no recovery remains to be effected. It is further submitted that the present application is maintainable in view of substantial change in circumstances, including the acquittal of co-accused persons, long lapse of time and deteriorating medical condition of the applicants, and reliance is placed upon the judgment of the Hon'ble Supreme Court in Rani Dudeja vs. State of Haryana, wherein it has been held that successive anticipatory bail applications are maintainable upon change of circumstances.

6. It is also submitted that the applicants are suffering from serious ailments such as hypertension, diabetes, hepatomegaly (applicant No.1), and cardiac issues (LVDD) along with serious eye problems (applicant No.2), and their arrest would pose irreparable risk to their health. It is further contended that the liberty granted by this Hon'ble Court in the earlier application to surrender was merely enabling in nature and not mandatory, and the earlier rejection of bail was prior to the acquittal of co-accused persons, thus, in view of the subsequent acquittal wherein the prosecution case has been disbelieved by the appellate court, which goes to the root of the matter, and considering that the applicants would be tried on the same set of evidence, they deserve to be granted anticipatory bail.
7. On the other hand, learned State counsel opposes the anticipatory bail application and submits that the allegations against the applicants disclose a well-planned act of cheating and criminal conspiracy involving huge financial loss of approximately Rs. 2 crores, and the applicants, being closely associated with the main



accused persons, cannot be said to be mere bystanders as they were part of the business transactions and benefited from the same. It is further submitted that merely because the co-accused persons have been acquitted by the appellate court does not automatically entitle the present applicants to anticipatory bail, as their role is yet to be examined during trial. 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 facts and circumstances of the case, the nature of allegations, and the material available on record, the fact that the entire loan amount has been repaid to the complainant bank, moreover, the co-accused persons, namely Anil Agrawal, Sunil Agrawal and Vijay Agrawal, who were the principal persons involved in the business dealings, have already been acquitted by the learned Appellate Court, and the allegations against the present applicants, who are stated to be their wives, are identical and inseparable, thereby entitling them to the benefit of parity. It is also pertinent to note that the FIR pertains to the year 2009 and for more than 15 years the applicants have neither been arrested nor have they absconded, and the charge-sheet has already been filed, 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