

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 804 of 2015

Smt. Sharda Devi Ganjeer W/o Gajadhar Prasad Ganjeer Aged About 40 Years R/o Narmada Gate, Sursuli, Police Station Devri, District Balod Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station - Devri District Balod Chhattisgarh

---- Respondent

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MCRCA No. 806 of 2015

Smt. Sharda Devi Ganjeer W/o Gajadhar Prasad Ganjeer Aged About 40 Years R/o Narmada Gate, Sursuli, Police Station - Devri, District - Balod (Chhattisgarh).

---- Applicant

Versus

State Of Chhattisgarh Through : The Station House Officer, Police Station - Devri, District - Balod (Chhattisgrh).

For Applicant	:	Shri B.P. Singh, Advocate
For Respondent/State	:	Ms. Shubha Shrivastava, Panel Lawyer.

Order On Board

27/08/2015

Heard.

1. M.Cr.C. (A) No. 804 of 2015 and M.Cr.C. (A) 806 of 2015 have been preferred by applicant - Smt. Sharda Devi Ganjeer apprehending her arrest in connection with Crime No.147/2015 and Crime No.146/2015 both registered in Police Station -Devri, District-Balod for alleged commission of offence under Section 420/34 of the IPC.
2. By this common order, both the applications are being decided as similar transaction and allegation are involved in both the cases.
3. In M.Cr.C.(A) No.804/2015, the allegation is that the applicant and her husband, co-accused, collected Rs.4,80,000/- in the name of providing employment to one Gyan Das Sahu, son-in-law of complainant -Naresh Sarva.

4. In M.Cr.C.(A) No.806 of 2015, the allegation against the applicant is that the applicant and her husband collected Rs.1,50,000/- from one Durga Thakur in the matter of providing employment.
5. Case of the prosecution, in brief, is that the applicant and her husband assuring that they will get employment arranged, collected huge money from complainants- Naresh Sarva and Durga Thakur and, thereafter, neither any job was arranged nor the money which was paid is being returned. Thus, they have been cheated by the applicant and her husband.
6. Learned counsel for the applicant submits that the complainants, in order to exert pressure on her husband to return money, have involved the applicant also. She is not instrumental and she is being involved only because she is wife of other accused. The other accused has already been arrested. In these circumstances, custodial interrogation of the present applicant is not necessary.
7. On the other hand, learned counsel for the State submits that as per the statement of Naresh Sarva under Crime No.147/2015 and statement of Durga Thakur under Crime No.146/2015, both registered in Police Station- Devri, on the assurance of giving employment, money was collected from them not only by the husband of the applicant, but the applicant is also equally involved.
8. Taking into consideration the circumstances of the case, particularly taking into consideration that the applicant had already submitted a report in the Police Station – Devri on 18.5.2015 involving one Sukhdev Dhury, who is father-in-law of Naresh and thereafter, the report has been lodged against the applicant, I am inclined to allow both the applications.
9. Accordingly M.Cr.C (A) No. 804 of 2015 and M.Cr.C. (A) No. 806 of 2015 preferred by applicant- Smt. Sharda Devi Ganjeer are allowed. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence under Crime No.147/2015 and Crime No.146/2015, she shall be released on bail by the arresting officer on her furnishing a personal bond in the sum of Rs.20,000/- along with one local surety for the like amount to the satisfaction of the arresting officer with following further conditions that:
 - (i) the applicant shall make herself available for interrogation by the police officer as and when required;
 - (ii) 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 from disclosing such facts to the Court or to any police officer;Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge