HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6926 of 2015

Smt. Mansha Kasture wife of Anand Kasture, aged about 31 years, R/o – 3 Satyadev Nagar, Near Wendi School, Gandhi Road, Police Station Ghatipur, Gwalior (M.P). ... **Applicant**

Vs.

State of Chhattisgarh, through Station House Officer, Station House Officer, Police Station Bhilai Nagar, District Durg (C.G)... **Respondent**

For the applicant : Mr. Ramakant Gaur & Vimlesh Vajpai Advocates

For the Respondent : Mr. Neeraj Jain, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

15.12.2015

1. This is an application filed u/s 439 of the Code of Criminal Procedure seeking granting of regular bail to the applicant in connection with Crime No. 287/2014 registered at Police station Bhilai Nagar, Durg, Distt. Durg (C.G) for the offences punishable under sections 420, 467, 468, 471 and 34 IPC.
2. As per the prosecution case, the applicant along-with her husband allured the complainant Kuljeet Singh to invest money in their Company named and styled as West Investments and Shares Private Limited and executed a power of attorney in favour of Kuljeet Singh on 26.12.2013 for sale of a flat admeasuring 1900 sqft situated at Surya Vihar Colony, Phase II, Junwani, Bhilai. The complainant has paid Rs.42,50,000/- to the accused while entering into agreement dated 26.12.2013. It is further alleged that in respect of the same plot, earlier the applicant has executed two different power of attorneys first in favour of one Aroon

Verma on 06.05.2013 and thereafter in favour of Seema Philips on 24.08.2013. Therefore in respect of the same plot the applicant and her husband have executed three power of attorneys in the name of different persons thereby the applicant has committed the offence.

3. Learned counsel for the applicant submits that as per the business transactions the complainant has invested the money in the Company to the tune of Rs.42,50,000/- and in order to secure such invested amount, a power of attorney was executed in favour of the complainant without any consideration, consequently the allegations which are made are completely vague and do not bring home any offence. He further submits that the charge sheet in this case has been filed and almost the charges were framed on 06.04.2015 and the applicant is in jail since 30.07.2014 and out of 8 witnesses, no single witness has been examined though 13-14 dates have been passed. He further submits that in similar circumstances the coordinate Bench of this Court has granted bail to the applicant in MCr.C.No.4012 on 23.09.2015 relating to Crime No.282 of 2014. He prays that the applicant is in jail since 30.07.2014 and looking to the period of detention undergone by the applicant, she may be enlarged on bail.
4. Per contra, learned State Counsel opposes the bail application.
5. Perused the documents and case diary. Having regard to the facts and circumstances of the case and taking into nature of allegations made, predominantly it appears that the all the evidence available in the case diary is in the nature of documentary evidence. Having thus considered the totality of the facts and circumstances and considering

the fact that the charge sheet in this case has been filed and looking to the period of detention of the applicant as she is stated to be in jail since 30.07.2014 and taking into fact that in similar offence, the applicant has already been enlarged on bail by the coordinate Bench of this Court in M.Cr.C.No.4012/2013, I am inclined to release the applicant on bail in this case also.

6. Accordingly, this bail petition is allowed and the applicant is directed to be released on bail on her furnishing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. She will appear before the trial Court as and when directed by the said Court.

7. Cc as per rules.

Sd/-
GOUTAM BHADURI
JUDGE

Rao