

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 879 of 2016**

Smt. Chanda Barmate, W/o Kantilal Barmate, aged about 44 years, R/o Village-Bagdai, Thana- Dongagaon, Dist. Rajnandgaon (C.G.)

---- Applicant**Versus**

State Of Chhattisgarh, Through – Police Station-Dongargaon, Distt. Rajnandgaon (C.G.)

---- Non-applicant

For Applicant: Mr. Samir Singh, Advocate.
 For Non-applicant/State: Mr. Neeraj Kumar Sharma, Dy. Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****10/05/2016**

Heard.

(1) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing her on regular bail during trial in connection with Crime No. 349/2015 registered at Police Station Dongargaon, Distt. Rajnandgaon (C.G.) for the offence punishable under Section 420/34 of Indian Penal Code.

(2) Case of the prosecution, in brief, is that applicant fraudulently taken Rs.11,000/- from the complainant out of Rs.25,000/- received by him towards Shramik Beema Yojya and thereby cheated the complainant.

(3) Counsel for the applicant submits that applicant has been falsely implicated in the offence in question as there is no evidence that the applicant has received Rs.11,000/- from the complainant. He further submits that applicant is in jail since 4.12.2015 and no useful purpose would be served in further detaining her in jail and no custodial interrogation is required and therefore, the applicant may be released on bail.

(4) On the other hand, counsel for the State opposes the bail application.

(5) Taking into consideration the nature and gravity of the offence; facts & circumstances of the case; her pre-trial detention and the case is triable by the Judicial Magistrate First Class, trial is likely to take some more time for its disposal and the fact that no custodial interrogation is required; this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the bail application is allowed.

(6) Accused/applicant – **Smt. Chanda Barmate** is directed to be released on bail on her executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. She is directed to appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.

Certified copy, as per rules.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-

