

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.414 of 2016

Smt. Nisha Dewangan, W/o Narad Ram Dewangan, aged about 39 years,
R/o Sukul Daihan, Police Station Lalbag, Rajnandgaon, Tahsil & District
Rajnandgaon (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through Station House Officer, Police Station
Basantpur, District Rajnandgaon (C.G.)

---- Non-applicant

For Applicant:	Mr. K.K. Singh, Advocate.
For Non-applicant:	Mr. Adhiraj Surana, Deputy Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

17/02/2016

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing her on regular bail during trial in connection with Crime No.396/2015, registered at Police Station Basantpur, Distt. Rajnandgaon, for the offence punishable under Section 420 read with Section 34 of the IPC.
2. Case of the prosecution, in brief, is that the applicant being a partner of Yalsco Real Estate and Agro Farming Limited, obtained Rs.200/- from Usha Mangolkar, Rs.20,000/- from Jitendra Pal and Rs.50,000/- from Nirmala Bai for agro farming and promised to return double the amount, but failed to perform the promise made by the applicant and thereby committed the offence.
3. Learned counsel for the applicant submits that the applicant has not committed any offence and she has been falsely implicated in the case, she is only a sleeping partner of the company having Rs.500/-

in the company, main partner is Premlal Dewangan and the company has already refunded the amount to Usha Mangolkar, Jitendra Pal and Nirmala Bai as promised. Substantive investigation has already been made and the applicant being woman having small children deserves to be released on bail. The applicant is in jail since 1-1-2016.

4. On the other hand, learned State counsel opposes the application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, role of the applicant, statement of the applicant that she is sleeping partner of the company and working partner is Premlal Dewangan, additional statement of the complainant recorded subsequently and the applicant being woman in jail since 1-1-2016, I am of the view that it is a fit case to enlarge the applicant on regular bail. Accordingly, the application is allowed.
7. It is, therefore, directed that the applicant be released on bail on her furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court for her appearance as and when directed.

Sd/-
(Sanjay K. Agrawal)
Judge