

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 1848 OF 2016**

Smt. Kalawati Burman W/o Roshan Lal Burman, aged about 37 years, R/o Village Chhirhuti, Thana Lormi, Revenue Distt. Mungeli, Civil Distt. Bilaspur (C.G.)

---Applicant**Versus**

The State of Chhattisgarh, Through the Station House Officer, Police Station Kota, Civil & Revenue Distt.- Bilaspur (C.G.)

---Non-applicant

For Applicant	:	Mr. Sunil Sahu, Advocate
For Non-applicant	:	Mr. O.P. Sahu, Govt. Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****13/04/2016**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 307/2015, registered at Police Station Kota, Distt. Bilaspur (C.G.), for the offence

punishable under Sections 420, 467, 468, 471, 384 read with Section 34 of the Indian Penal Code and Sections 3 & 4 Debtor Protection Act.

2. Case of the prosecution, in brief, is that Bisahu Lal has lodged a report that he has taken loan from the bank and deposited the Rin Pustika and signed cheque to the Manager of the Bank and the cheque book was with the bank, which was not returned to him and subsequently by the applicant the cheque was stolen and thereafter, the complaint was filed under Section 138 of the Negotiable Instrument Act. It is further case of the prosecution that stolen cheque was used by the present applicant (wife of Roshan Lal) and case under Section 138 of Negotiable Instrument Act was filed, therefore, the offence is committed.

3. Learned counsel for the applicant submits that other co-accused persons have played the similar role as that of the present applicant and other co-accused person namely Roshan Lal and Umend Das have already granted regular bail by co-ordinate Bench vide order

dated 18/11/2015 passed in M.Cr.C. No. 6105/2015 and the role played by the present applicant is identical to that of the other co-accused persons. Therefore, the present applicant may also be released on regular bail on the ground of parity.

4. On the other hand, learned counsel for the State submits that case of the present applicant is identical to other co-accused persons, who have granted bail by co-ordinate Bench vide order dated 18/11/2015 passed in M.Cr.C. No. 6105/2015.

5. I have heard the counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts and circumstances of the case; further taking in to consideration the nature and gravity of offence; role of the applicant and particularly the order passed by co-ordinate Bench on 18/11/2015 in M.Cr.C. No. 6105/2015 granting regular bail to the other accused persons, this Court is of the opinion that present is the fit case, in which, the applicant should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed. It is ordered that the applicant shall be released on bail on her furnishing a personal bond of **Rs.25,000/-** along with one surety of the like amount to the satisfaction of the trial Court. She shall appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.

8. Certified copy as per rules.

Sd/-
(**Sanjay K. Agrawal**)
JUDGE

Tiwari