

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 2410 of 2016

1. Smt. Dewanti Bai W/o. Basant Saay, aged about 40 years, by caste- Dhobi, R/o. Jurgum, P.S. Bagicha, District Jashpur (C.G.)
2. Smt. Somari Bai W/o. Chensaay, aged about 45 years, by caste Gayar, R/o. Jurgum, P.S. Bagicha, District Jashpur (C.G.)

---- Applicants

Versus

State of Chhattisgarh, Through:- Station House Officer, Police Station Bagicha, District Jashpur (C.G.)

---- Respondent

For Applicant : Mr. Awadh Tripathi, Advocate
For Respondent : Mr. D.K. Wankede, Govt. Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

30 / 05 / 2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No. 21/2016, registered at Police Station– Bagicha, District – Jashpur (C.G.) for the offence punishable under Sections 420,467,468,471,120-B (wrongly mentioned as 371 and 201 -B in bail rejection order) , 34 of IPC.
2. Case of the prosecution, in brief, is that the applicants fraudulently withdrawan Rs. 4,85,000/- from the account of Samuh by falsely showing Smt. Somari Bai/applicant No. 2 as the secretary whereas another lady Smt. Shanti Bai was the secretary of the society. It is

also alleged that the resolution of appointing Somari Bai as secretary vide resolution dated 10.12.2013 was false and fabricated.

3. Counsel for the applicants argued that it is a matter of dispute amongst the members of the Samuh. He further submits that prima-facie the resolution approved by the elected members of the Samuh and the allegation is that the resolution was fabricated and that the members have not put their signature is not supported from any forensic evidence to show that the signature appearing in the resolution are not that of the members as per the allegation of the prosecution. He further submits that the applicants are in jail since 23.02.2016 and the investigation is completed and the charge sheet has been filed in this case. He further submits that the applicants is not likely to abscond or tamper with the prosecution witness and the co-accused Subhash Gupta has been granted bail and prays the applicants may be enlarged on bail.
4. Per contra State counsel opposes the prayer for grant of bail.
5. Having heard learned counsel for the parties and taking into consideration the nature of allegation and that the applicants are in jail since 23.02.2016 and further the investigation is completed and the charge sheet has been filed and the applicants being the lady are not likely to abscond or tamper with the prosecution witnesses, this Court is of the view that it is a fit case to release the applicants on bail. Accordingly, the application is allowed.
6. Accused/applicants are directed to be released on bail on each of them executing a personal bond in the sum of Rs. 20,000/- with one surety each in the like sum to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and

every date given to them by the said Court till disposal of the trial.

Sd/-
(Manindra Mohan Shrivastava)
Vacation Judge

Santosh