

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****M.Cr.C. No. 2660 of 2016**

Riti Deshlahra W/o R.D.Deshlahra, Aged about 46 years R/o Quarter No. 123, H, Risali Sector, Bhilai, Tehsil and District Durg, Chhattisgarh.

**---- Applicant****versus**

State of Chhattisgarh, Through Station House Officer, Police Station Newai, District Durg, Chhattisgarh.

**---- Non-Applicant**

For Applicant : Dr. N.K.Shukla, Senior Advocate with Shri Shiv Shankar Tiwari, Advocate.

For Non-Applicant : Shri Gary Mukhopadhyay, Deputy Government Advocate.

**Hon'ble Shri P. Sam Koshy, J.****Order on Board****08/06/2016**

1. This is the first application filed under Section 439 of the CrPC for grant of bail to the Applicant who is in jail since 07.04.2016 in connection with Crime No. 117 of 2015, registered at Police Station Newai, District Durg, for the offence punishable under Section 420 of the Indian Penal Code.

2. Prosecution case, in nutshell, is that the present applicant projecting herself to the Vice President and Director of the Chhattisgarh Rajya Saakh Sahkari Samiti Maryadit, Jaamgaon Branch (hereinafter called 'the Society'), collected a huge amount of money for membership and also for grant of employment from various persons in the village. Subsequently, neither any employment was provided nor membership was granted and further nobody could avail the benefit of loan from the said society and as such, the Applicant has cheated the people of the area. Therefore, a written complaint was lodged on 21.03.2014 by one Sandhya Markandey and Suraj Kumar Tandon on the basis of which, after investigation, an FIR was registered on 18.4.2015.

3. Learned counsel for the Applicant submits that the applicant has been falsely implicated in the instant case. Admittedly, the Applicant was the Vice President and Director of the Society but in the year 2012 itself, the said

Society got liquidated and therefore, the further benefits of the Society could not be given to the villagers of the said area. He further submits that the entire complaint is false for the simple reason that the transactions whatsoever is alleged, is said to have taken place in the year 2012 and from the year 2012 to 2014, there has been no complaint whatsoever and suddenly on 21.3.2014 i.e. much after the Society got liquidated, a complaint has been lodged on the basis of which the FIR has been registered. Thus, the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State has opposed the bail application submitting that the offence alleged against the applicant is serious in nature inasmuch as there is an allegation of having collected a huge amount of money approximately Rs. 18 Lacs from the villagers either for grant of employment or grant of membership and therefore, the present applicant does not deserve to be released on bail.

5. Having heard learned counsel for the parties, taking into consideration the totality of the facts and circumstances of this case and particularly the fact that the Applicant is a lady and that the first complaint lodged against her is of the year 2014 and from the year 2012 to 2014, there was no complaint whatsoever, and further that the Society also stood liquidated in December, 2012, this Court is of the considered opinion that the present is a fit case where the Applicant may be enlarged on bail.

6. Accordingly, the bail application is allowed. It is directed that the Applicant shall be released on bail on her furnishing a personal bond for a sum of Rs. 20,000/- with one surety of the like sum to the satisfaction of the concerned Trial Court for her appearance as and when directed.

Certified copy, as per rules.

Amit

Sd/-  
**(P. Sam Koshy)**  
 Vacation Judge