

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7702 of 2015

1. Smt. Anju Toppo (Goswami), W/o. Mahendra Giri Goswami, aged about 30 years, Occupation-Housewife, R/o. Village- Bhathiya, Ward No.10, Police Station and Tahsil - Patthalgaon, District – Jashpur (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Station House Officer, Police Station – Kawardha, District – Kabirdham (C.G.)

---- Respondent

For Applicant : Mr. J.K. Saxena, Advocate

For Respondent/State : Mr. Satish Gupta, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

18/01/2016

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.351/2015, registered at Police Station – Kawardha, District – Kabirdham (C.G.) for the offence punishable under Section 420/34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that the applicant alongwith other co-accused namely Mahendra Giri Goswami and Krishnadhan Rathore has obtained an amount of Rs.6.00 lakhs from the complainant Bhanupratap, Sachin Kumar and Nagendra Singh to get them employed in the government department. Subsequently the job was not provided as such report was made and on investigation it was found that the applicant alongwith other accused persons has committed the offence.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case and the offence has been

committed by the husband of the applicant, Mahendra Giri Goswami and other accused Krishnadhan Rathore and the applicant has not committed any offence. The counsel would further submit that presently, the applicant carrying pregnancy of 7 months, which would be evident from the referral slip Annexure A/2, which has been obtained under Right to Information Act from Superintendent of Central Jail, therefore, the counsel submits that under the circumstances, the applicant is carrying pregnancy for taking due care, she may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Perused the medical documents filed alongwith the bail application, which shows that the applicant is carrying pregnancy. Taking into the fact that the applicant is carrying pregnancy, exclusively on medical ground and on consideration of pregnancy, this Court is of the opinion that present is a 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.
8. It is directed that applicant shall 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 trial Court, for her appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge