NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5476 of 2016

- Hina Saify D/o Mujammil Husain Aged About 19 Years R/o H. No. 476, Ward No. 7, Farid Nagar, Nizami Chowk, Supela, Tahsil & District Durg, Chhattisgarh. Presently R/o Modi Road, Jivanpalli, Banglore, P.S. D Jehalla, District Banglore, Karnataka. **--- Petitioner**

Versus

- State of Chhattisgarh through District Magistrate, Civil & Revenue District Durg, Chhattisgarh. **--- Respondent**

For the applicant	:	Mr. Amiyakant Tiwari, Advocate
For the Respondent	:	Mr. Anil S. Pandey, Govt. Adv.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

01.12.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No.1213/2015 registered at Police Station Supela, Distt. Durg (C.G) for the offence punishable under Sections 420 read with Section 34 IPC and Section 10 of the Chhattisgarh Protection of Depositors Interest Act, 2005.
2. As per the prosecution case, a report was made by Subhan Khan against the present applicant and other family members that he met accused Majummil Hussain and his sons. He requested for investment in the business as he was financially not well. On such request, initially an amount of Rs.2 lakhs was given and in turn after 3 months Rs.10,000/- was received towards dividend. Subsequently again Rs.5 lakhs was given and as such on different points of time, the total amount of Rs.75 lakhs was given to make investment.

Thereafter, on giving another amount of Rs.5 lakhs, the complainant received Post Dated Cheques of Rs.22 lakhs. The accounts were opened in the name of Unique Traders, Good-luck Crockery and Cutlery and Perfect Seat Cover. The present applicant is the daughter of Mujammil Hussain. The amounts so received were not returned with interest though it was assured and it is alleged that the applicant in connivance of other accused have committed fraud thereby the offence has been committed. It is also alleged that certain other persons have also invested the amount for business, however, they did not return the amounts and the cheques were bounced.

3. Learned counsel for the applicant would submit that the applicant has been falsely implicated and the entire transaction is a monetary transaction. He further submits that the amounts were given to the father of applicant and only general omnibus allegations have been attributed to the present applicant and though the nature of transaction is completely civil nature, however, in order to recover the amount criminal case has been filed. It is further submitted that the applicant is young lady and is in jail since 24.05.2016, therefore, looking to the period of detention she may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.

5. Perused the case diary and documents as also the reply filed by the state. It appears that in a private transaction between the parties, the amounts were given by different persons to the father of applicant and general omnibus allegations have been attributed to the present applicant.

6. Taking into consideration the nature of allegations levelled

against the applicant and the totality of the facts and circumstances of the case especially the fact that the applicant is in jail is in jail since 24.05.2016, I am inclined to allow this application.

7. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. She will also appear before the trial Court as and when directed by the said Court till disposal of the trial.

C.c. as per rules.

Sd/-

GOUTAM BHADURI
JUDGE

Rao