

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6585 of 2016

- Smt. Shanti Patel @ Shanti Sethi W/o Shri P.K. Sethi Aged About 56 Years R/o Quater No. H.I.G- 36 M.P. Nagar, Korba, Thana- Kotwali, District Korba, Chhattisgarh.

---- **Petitioner**

Versus

- State Of Chhattisgarh Through Station House Officer Police Station Kusmunda (Wrongly Mentioned As Kusmunda In Order). District Korba, Chhattisgarh.

---- **Respondent**

For Applicant : Mr. Sanjay Patel, Advocate

For Respondent/State : Mr. Sangarsh Pandey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

25-10-2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 26-9-2016 in connection with Crime No. 107 of 2016, registered at Police Station Kusumunda, District Korba (CG) for the offence punishable under Section 420 of the IPC.
2. Case of the prosecution, in brief, is that a report was made by one Shipra Jayram that the present applicant in order to make her a partner in a petrol pump received an amount of Rs.15,21,610/- with assurance that she would be the partner and they would run the petrol pump and subsequently it was not done and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that the entire allegations in this case are civil in nature and no criminality has been committed by the applicant. He would further submit that the applicant has been falsely implicated in the case, the applicant is in jail since 26-9-2016 and no

further investigation is required, therefore, she may be released on bail.

4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties, perused the case diary and statement of the complainant Shipra Jayram. Case diary also contains the agreement in between the present applicant and the complainant.
6. Taking into consideration the facts and circumstances of the case, considering the statement of the complainant and further considering the nature of transaction and also the fact that the applicant is in jail since 26-9-2016, this court is inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju