

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4463 of 2017

Smt. Pushpa Sidar W/o S.S. Sidar, Aged About 41 Years By
Caste Gond, R/o Madan, Police Station & Tahsil Pali, District
Korba, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police
Station Pali, District Korba, Chhattisgarh.

---- Respondent

For the Applicant : Shri Awadh Tripathi,
Advocate.

For the Respondent/State : Shri Vinod Tekam,PL.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

09.11.2017

Heard.

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 in connection with Crime No.74/2017, registered at Police Station- Pali, District – Korba (C.G.) for the offence punishable under Sections 420, 419, 34 of Indian Penal Code.
2. It is submitted by learned counsel for the applicant that applicant is innocent, she has been falsely implicated in this case. One transaction for sale of land has taken place between Ram Awtar and Shyam Lal Banjare, on account of which an amount of Rs. 5 lakhs was paid by complainant

(Shyam Lal Banjare) through cheque, as the seller of land did not have Bank account, the amount was deposited in account of the applicant. Later on the agreement could not be performed because of which the applicant returned the deposited amount of Rs. 5 lakhs deposited by the complainant through cheque as the complainant was demanding interest. A cheque of Rs. 10,000/- was given, which was intended for payment of interest. Complainant forged the amount to Rs 10.000-/ and presented to withdraw the said cheque which has bounced on presentation in the bank for payment. Applicant has filed an application under Section 156 (3) of Cr.P.C before the Court of JMFC, Pali alleging in it that fraudulent act has been committed by the complainant (Shyam Lal Banjare) in this case, and one application has been separately presented before the Superintendent of Police, Korba, hence, it is prayed that the applicant may be enlarged on bail.

3. Learned counsel for the State submits that complainant (Shyam Lal Banjare) has made categorical statement against the applicant that on the pretext of providing job to the younger son of the complainant, applicant and her husband had given assurance that they have connection with top seed officials in this State and can arrange the job for his son by their influence and thus have received Rs. 15 Lakhs. They have received the amount but job could not be procured to the son of the complainant. On demand of refund made by complainant payment to the complainant of Rs. 5 lakhs was transferred through cheque and one cheque was given for the remaining Rs. 10 Lakhs, which has bounced, hence, as per the facts present against the applicant she is not entitled to be enlarged on bail.
4. I have heard the learned counsel for the parties and perused all the documents placed on record and the case diary.

5. Considering the facts and circumstances of the case and further taking into consideration this fact that applicant has no criminal history, she is resident of District- Korba, her availability before the trial Court shall not be compromised if she, is released on bail, hence, the applicant deserves to be enlarged on regular bail.
6. Accordingly the application for grant of bail is allowed.
7. It is directed that the applicant shall be released on her furnishing a personal bond for a sum of Rs. 25,000/- with one surety in the like sum to the satisfaction of concerned trial court for her appearance as and when directed.
8. Certified copy as per rules.

Sd /-

(Rajendra Chandra Singh Samant)

Judge

Jamal