

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5309 of 2017

1. Smt. Rambha W/o Nohar Sonwani Aged About 42 Years R/o Shiv Nagar, Ward Rajiv Nagar, Durg, Tahsil & District Durg, Chhattisgarh.
2. Ku Sangeeta Sonwani, D/o Nohar Sonwani, Aged About 22 Years R/o Shiv Nagar, Ward Rajiv Nagar, Durg, Tahsil & District Durg, Chhattisgarh.
3. Ku. Mona Sonwani, D/o Nohar Sonwani, Aged About 19 Years R/o Shiv Nagar, Ward Rajiv Nagar, Durg, Tahsil & District Durg, Chhattisgarh.

---- Petitioners

Versus

State Of Chhattisgarh Through Police Station Durg, District Durg, Chhattisgarh.

---- Respondent

For the Petitioners : Raj Kumar Gupta, Advocate.

For the Respondent/State : Shri Neeraj Sharma, DGA.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

12.10.2017

1. Heard on application under Section 439 of Cr.P.C.
2. It is submitted that applicants are in jail since 03.03.2017 in connection with Crime No.139/17 for the offences under Section 420/34, 120 B, of India Penal Code registered in PS- Durg, Distt. and Revenue Distt. Durg (C.G). That bail application before the Sessions Court was rejected. Thereafter, the first bail application was withdrawn, and now this is their second bail application.
3. It is submitted that as per the contents of FIR, the offences of cheating has been committed by the main accused Nohar Sonwani, the only allegations against the applicants No. 2 and 3 is that on one occasion complainant (Rajesh Shukla) paid an amount of Rs. 1.5 lakhs to a lady accompanied by two daughters who have been identified as applicants in this case. It is submitted that applicants No.2 and 3 had no role to play in this case. Hence, prayed that they may be enlarged on bail. The learned counsel for the applicants does not want to press the prayer for grant of bail in respect of applicant No.1.
4. Learned counsel for the State opposes the application and the submission made in this respect. It is submitted that the offences are grievous in nature and the case is under investigation, in which there is a possibility to collect the

evidence against applicants No. 2 and 3, hence, prayed that application be rejected.

5. I have heard the learned counsel for the parties and perused all the documents placed on record and also case diary.
6. Looking to the facts and circumstances in this case specially regarding the role of applicants No. 2 and 3, this is a fit case to enlarge applicants No.2 and 3 on bail. Hence, the application is allowed.
7. Accordingly, the bail application under Section 439 of Cr.P.C in respect of the applicants No. 2 and 3 is allowed and it is directed that the applicants No. 2 and 3 shall be released on their furnishing personal bond for a sum of Rs. 25,000/- with one surety in the like sum to the satisfaction of concerned trial court for their appearance as and when directed.
8. The bail application in respect of the applicant No.1 is dismissed as not pressed.

Sd /-

(Rajendra Chandra Singh Samant)

Judge

Jamal