

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 468 of 2017

1. Smt. Asha Vaidya, W/o. Late Beni Madhav Vaidya, aged about 47 years, R/o. Hardware Line, Near Shiv Mandir, Supela Market, Supela, Bhilai, Post Office and Police Station – Bhilai, District – Durg (C.G.)

----Applicant

Versus

1. State Of Chhattisgarh, Through : Station House Officer, Police Station – City Kotwali, District – Dhamtari (C.G.)

---- Respondent

For Applicant	:	Mr. Shivendu Pandya, Advocate
For Respondent/State	:	Mr. Anupam Dubey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

07/02/2017

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.336/2016, registered at Police Station – City Kotwali, District – Dhamtari (C.G.) for the offence punishable under Section 420/34, 120(B) of Indian Penal Code and 6 (10) of C.G. Nichepko Ka Sanrakshan Adhiniyam, 2005.
2. Case of the prosecution, in brief, is that a report was made by Jyoti Dewangan on 14.10.2016 that present applicant along with other co-accused persons approached her in the name of Mitani Mahila Sewa Sanstha and assured that on payment of Rs.650-700, they would be provided with the machine to prepare the leaf plates and leaf cups, however, it was not done. Thereby the offence has been committed.

3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case and the applicant has not named in the FIR and the entire allegations are attributed to the other accused. It is further submitted that charge-sheet in this case has been filed and no further investigation is necessary and the applicant is in jail since 15.10.2016, therefore, the applicant 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.
6. Perused the case diary and the documents. Considering the facts and circumstances of the case, charge-sheet in this case has been filed and further taking into the fact that the applicant is a lady and is in jail since 15.10.2016, 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