

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1505 of 2017**

- Pushpa Prasad W/o Manoj Prasad, Aged About 36 Years Caste Shrivastava, R/o Dallirajhara, Tahsil Dondi Lohara, District Balod, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Police Station City Kotwali, District Dhamtari, Chhattisgarh.

---- Respondent

For Applicant	: Shri V.K.Pandey, Advocate
For Respondent/State	: Shri Anil Pandey, GA

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****03/4/2017**

Heard the matter finally.

2. This is an application filed under Section 439 of the Cr.P.C. 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 (CG) for the offence punishable under Section 420 read with Section 34, 120B IPC and Section 6 (10) of the Nechepako ke Hito Ka Sanrakshan Adhiniyam, 2005.

3. Learned counsel for the applicant submits that presently, the matter is pending before the Special Judge (Nechepako Ke Hito ka Sanrakshan Adhiniyam), Dhamtari. The matter was initially being tried before the trial Court i.e. J.M.F.C., Dhamtari and on a

later stage, the Court committed the matter as the matter is triable by the Special Judge only. He submits that the applicant, who is a lady is in jail since more than 5 ½ months and she is the first offender. Though as per FIR she is the main accused, but the other co-accused Smt. Asha Vaidya has been granted bail by this Court in MCRC No.468/2017 vide order dated 7.2.2017. As per allegations the applicant and other have taken Rs. 1 lakh in total from the group of women regarding the machine to prepare leaf plates and leaf cups but, before the Trial Court the complainant and other witnesses have not said anything and as the matter is committed by the concerned trial Judge, the trial before the Special Judge would take time; she will not misuse the liberty, therefore, the applicant may be granted an opportunity to defend herself before the Special Judge.

4. Per contra, learned counsel for the State opposes the bail application. He submits that the applicant is the main accused and she along with other members of an NGO has cheated about Rs. 1 lakh for providing them machine for preparation of leaf plates and leaf cups, hence, looking to the facts of the case, the application may be dismissed.

5. I have heard the counsel for the parties and perused the material.

6. On due consideration of the material collected against the applicant, her long detention in the matter as under-trial prisoner, she is a woman and first offender and submits that she will not commit any other similar offence in future, 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 the applicant shall be released on bail on furnishing a personal bond in the sum of Rs.50,000/- with two sureties of Rs.25,000/- each to the satisfaction of Special Judge, (Nechepako Ke Hito Ka Sanrakshan Adhiniyam) Dhamtari in Special Sessions Trial No. 65/2017 for her appearance before the said trial Court as and when directed.

9. It is made clear that this order granting bail to the applicant shall stand cancelled automatically without reference to the Bench by the Court below if (i) the trial Court finds that the applicant suppressed filing or pendency of any other application for grant of bail before this Court or the Hon'ble Apex Court intentionally; (ii) the applicant does not cooperate in the trial; (iii) the applicant is found to be involved in any offence of the like nature; and (iv) the trial Court finds that the applicant remains absent without any sufficient and cogent reason. If bail is cancelled automatically in view of the above, the Court below may proceed further under the provisions of law, under intimation.

Certified copy as per rules.

Sd/

(Chandra Bhushan Bajpai)
JUDGE