

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4593 of 2017

- Smt. Indira Satyam @ Indu Wd/o Late Nutan Satyam, Aged About 43 Years, Caste Satnami, R/o 13/B, Rishali Sector Bhilai, Police Station Newai, Tahsil & District Durg, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through District Magistrate, Durg, District Durg, Chhattisgarh.

---- Non-applicant

For Applicant – Shri T.K. Jha, Advocate.

For Non-applicant/State – Shri Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

20-07-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.116/2017 on 25-05-2017 by P.S. Newai, District Durg, C.G. for the offence under Section 420 of the IPC. After investigation police had filed the charge sheet which is pending before the JMFC Durg, C.G. as Criminal Case No.4495/17. Learned counsel for the applicant would further submit that the applicant is a widow lady, three minor daughters of the applicant are residing in their parental home without any proper support for care and other things. The applicant is in custody since 25-05-2017. She is first offender and as the complainant have taken loan of total 4 lacs rupees in two installments, i.e., on 09-05-2014 and 06-12-2014 for repayment of said loan the complainant gave two cheques which was encashed by the applicant as return of loan; she had not committed any offence. Trial may take some time. She may be granted bail during trial.
3. Per contra, learned counsel for the non-applicant/State would submit that the complainant accepted the loan of rupees one lac which is a subject matter of stamp paper as written in the first page. The allegation of the complainant is that the applicant has cheated them by falsely using the second

page of the stamp which was blank and the signature of the complainant and his wife was also taken by the applicant. In the second page a false agreement to loan was printed which is not correct, with this, the applicant cheated the complainant to the tune of Rs. 3,00,000/- for the same the complainant and his wife stated during investigation, wife of the complainant lodged the report. Looking to the entire facts, the instant MCRC may be dismissed.

4. Perused the entire material.

5. As the applicant is in custody since one months and 25 days till date, charge sheet has been filed, the applicant is a woman, aged about 43 years and as stated her minor children are residing at their maternal house without any proper care and support, trial may take some time, on consideration of the entire facts, I am inclined to grant one opportunity to the applicant so that she shall not involve herself in any crime and shall live peacefully in society. Consequently, the instant MCRC is hereby allowed. It is directed that if the applicant deposits Rs.3,00,000/- (Rs. Three Lacs) before the trial Court in the head as applicable and thereafter furnishes before the trial Court a personal bond in the sum of Rs.25,000/- with one solvent surety of the like sum to the satisfaction of the trial Judge for her appearance before the said Court as and when directed till trial, then only she be enlarged on bail till conclusion of the trial.

6. It is made clear that the amount so deposited with the trial Court in the head as applicable under the rules shall be kept deposited until final disposal of said matter. The trial Court shall pass appropriate order regarding said Rs.3,00,000/- in the judgment along with other appreciation and directions as required in the matter. The said amount shall not be given to anybody till the conclusion of the trial and the said amount shall be subject matter of final conclusion of the trial Court.

7. 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 above, the Court below may proceed further under the provisions of law under intimation.

8. The applicant may file copy of this order for compliance.

9. Registrar (Judicial) is also directed to send copy of the order to the concerned trial Court for compliance.

10. Certified copy today.

Sd/-
(Chandra Bhushan Bajpai)
Judge