

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7239 of 2017

- Smt. Hiram @ Neelam Sahu W/o Radheshyam Sahu, D/o Milu Ram Sahu, Aged About 36 Years R/o Village Labhra Kala, Post Office & Police Station Khallari, District Mahasamund Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Fingeshwar, District Gariyaband Chhattisgarh

---- Respondent

For Applicant	:	Mr. Shivendu Pandya, Advocate.
For Respondent	:	Mr. Arvind Kumar Shukla, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

14/12/2017

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.88/2017, registered at Police- Station-Fingeshwar, District- Gariyaband (C.G.) for the offence punishable under Sections 420, 406/34 of Indian Penal Code (for short 'IPC').
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. The offence of cheating has actually been committed by the co-accused Navin Shrivastava. Charge-sheet has been filed after completion of investigation, on the basis of material placed before the trial Court. No offence is made out against this applicant, hence, it is prayed that applicant may be benefited with grant of bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that the statement of the witnesses clearly shows that applicant had been a party to the commission of offence along with the co-accused persons, hence, she is not entitled for grant of regular bail.
4. Heard both the parties and perused the case diary.
5. The case against the applicant is this, that applicant along with co-accused Navin Shrivastava approached the complainant Navlakha Soni. On the date of incident, complainant and others were allured by them that they have come from Nidan Self Help Group of Mahasamund and they are capable of getting loan for the members of the said Group of the complainant. On the inducement given by them, each members of the Self Help Group gave Rs.1000/- to the applicant and co-accused. In total Rs.24,000/- received by them. Nothing was done by the applicant and the co-accused as promised by them to the complainant and others, hence, FIR has been lodged.
6. Considering the submissions made and contents of the case diary and that the applicant is in jail since 23.9.2017. As informed, the charge-sheet has been filed. Detention of the applicant till the conclusion is not necessary in this case and she is a local resident of the locality, her availability before the trial Court shall not be compromised if she is enlarged on bail, hence, this appears to be a fit case where the applicant should be enlarged on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on her furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court,

for his appearance as and when directed.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Nisha