

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 8289 of 2016

1. Smt. Shikha Manji, aged 30 years, S/o. Shri Tarak Ranjan Manji, R/o. House No.8, Kohinoor Villa, Amlidih, P.S. - Telibandha, Civil and Revenue District – Raipur (C.G.).

----Applicant

Versus

1. State Of Chhattisgarh, Through : Police Station- Telibandha, Civil and Revenue District- Raipur, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Devershi Thakur, Advocate
For Respondent/State	: Mr. Dilman Rati Minj, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

16/03/2017

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.258/2015, registered at Police Station – Telibandha, Raipur, District – Raipur (C.G.) for the offence punishable under Section 420, 34 of Indian Penal Code.
2. As per the prosecution case, a complaint was made by the complainant, Girish Rajput that the present applicant who is one of the director of J.S.T. Homes Pvt. Ltd. entered into an agreement of purchase of land in the year 2012 and gave a cheque of Rs.92.00 Lakhs for sale consideration of the land, which was post dated. Subsequently promissory note was also given. Subsequently when the

cheque was lodged in the bank for encashment that bounced for insufficient of the funds. 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 it is the case of purchase of land from the complainant and cheque was issued. It is further submitted that the applicant is in jail since 06.11.2014 in the crime No.412/2014, however, she has been shown to be arrested on 29.06.2016, though the applicant was already in jail but she was not shown to be arrested, which has caused prejudice to the applicant. It is further submitted that out of 14 cases, in 11 cases the applicant has already been acquitted and in one case the applicant has been convicted and it is not a case of money circulation, therefore, the counsel prays that 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, documents and report made by the complainant. Considering the facts and circumstances of this case and taking into the fact that charge-sheet in this case has been filed, no further investigation is necessary and the applicant being the lady is in jail since 29.06.2016 and further considering the fact that the report appears to be in respect of sale consideration of some immovable property, 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Balram