

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8293 of 2016

Smt. Seema Singh, W/o. Sri Pramod Kumar Singh, Aged About 42 Years,
R/o. Flat No.503, E.M.P. Bhawan No.10, Phase-II Thakur Village,
Kandiwali Navi Mumbai, Mumbai, (Maharashtra).

---- Applicant

Versus

State Of Chhattisgarh, Through Police Station- Lal Bagh, Rajnandgaon,
District Rajnandgaon (Chhattisgarh).

---- Respondent

For Applicant : Mr. Shyam Sundar Lal Tekchandani, Advocate

For Respondent : Mr. Avinash K. Mishra, Panel Lawyer

For Objector : Mr. Gagan Tiwari, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

06/01/2017

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.0196/2016 registered at Police Station- Lal Bagh, Rajnandgaon (C.G.) for the offence punishable under Section 409, 420 & 34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that one ABS Exports India Pvt. Ltd. lodged a complaint against the present applicant and others that one Pramod Kumar Singh was working as Senior Vice President in the Company and the Company was engaged in manufacture of fish feed which was being supplied to the different agents. The Company used to give the bonus and commission to its different vendors/ agents on having achieved the target of sale. Consequently, an amount of Rs.1,95,27,030/- which was due to its

different vendors/ agents as a commission and bonus were transferred in the account of BSSP Vanijya Pratisthan Surat which was managed by the family members of the accused Pramod Kumar Singh and the present applicant Smt. Seema Singh who is the wife of Pramod Kumar Singh was also in the helm of affairs of BSSP Vanijya Pratisthan.

3. Learned counsel for the applicant would submit that the entire nature of transaction is civil and *inter se* transaction between the parties and the dues which were owed are of civil nature. It is further submitted that the alleged amount which was transferred to BSSP Enterprises Surat was not owned by the present applicant and it was owned by Kanchan Kumari Ramtirath whereas the applicant is the wife of Pramod Kumar Singh and owner of BSSP Enterprises Kandiwali having a separate account and entity, therefore, the applicant has no nexus and she is being a lady, she is in jail since 23.08.2016, therefore, she may be released on bail.
4. Per contra, learned State counsel and learned counsel for the objector opposes the prayer for grant of bail and they submit that the applicant in connivance with her husband has cheated the Company.
5. Perused the case diary and the documents. The charge sheet also contains a document of vendors & customers wherein Saving Bank Account of Kanchan Kumari Ramtirath has been shown wherein the alleged amount was transferred. Taking into such facts and the nature of evidence available against the applicant and specially taking into fact that the charge sheet has been filed and the applicant being a lady is in jail since 23.08.2016 and all the evidence appears to be documentary in nature, I am inclined to release the applicant on bail.

6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on 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 her appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge

Ashok