

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 3504 of 2017

Vidyawati Gupta, W/o. Rajesh Kumar Gupta, aged about 35 years, R/o. Shahganj Purani Bazaar, Aajamgarh Road, Police Station – Kotwali, Shahganj, Civil and Revenue District – Jaunpur, Uttar Pradesh.

----Applicant

Versus

State of Chhattisgarh, Through : The Station House Officer, Police Station- Katghora, Civil and Revenue District- Korba, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Vijay Kumar Sahu, Advocate
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For Respondent/State	: Mr. S.R.J. Jaiswal, Panel Lawyer
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Hon'ble Shri Justice Goutam Bhaduri

Order On Board

21/06/2017

1. This is the second 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. 212/2016, registered at Police Station – Katghora, District – Korba (C.G.) for the offence punishable under Section 379, 411, 419, 420, 467, 468, 471, 34 of Indian Penal Code. The first bail application was dismissed on merits vide order dated 17.10.2016 in M.Cr.C. No.6318/2016.
2. As per the prosecution case, a report was lodged by one Deepak Shrivastava on 14.07.2016 that his Bolero Vehicle bearing Regn.No.C.G.12-D/0687 has been stolen by some one. Subsequently, during investigation one of the co-accused Gorakh Ram was taken into custody and on his memorandum, it was revealed that Gorakh Ram after stealing the vehicle sold it to the present applicant who is running

a scrap (*Kabadi*) shop and the present applicant after changing the number, sold it to some one and the vehicle was recovered subsequently at the instance of the present applicant.

3. Learned counsel for the applicant would submit that this is second bail application. The first bail application was dismissed on 17.10.2016 and thereafter, the charges have been framed against the applicant only U/s. 411 of I.P.C.. It is further submitted that the applicant is in jail since 12.08.2016 and there is a change of circumstances, therefore, the applicant being the lady, she 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 and the documents. Copy of the charge framed against the applicant appears to be under Section 411 of I.P.C., which is placed on record.
7. The case diary also shows that enquiry was made whether similar kind of other case is registered against the applicant or not and copy of report of Police Station Shahganj, Janpad - Jaunpur (UP) shows that against the applicant no other case is registered. Considering the fact that charges U/s. 411 of I.P.C. has been made against the applicant and further considering the detention of the applicant, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

9. 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