

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5238 of 2017**

1. Smt. Rambha W/o Nohar Sonwani Aged About 42 Years R/o Shiv Nagar, Ward Rajiv Nagar, Durg, Tahsil & District Durg, Chhattisgarh.
2. Ku. Sangeeta Sonwani D/o Nohar Sonwani Aged About 22 Years R/o Shiv Nagar, Ward Rajiv Nagar, Durg, Tahsil & District Durg, Chhattisgarh.

---- Applicants**Versus**

State Of Chhattisgarh Through Police Station Durg District Durg, Chhattisgarh.

---- Respondent

For the Applicants	:	Shri Raj Kumar Gupta, Advocate.
For the Respondent/State	:	Shri Anil S. Pandey, Government Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****12.09.2017**

1. Heard on application filed under Section 439 of the Code of Criminal Procedure, 1973.
2. Learned counsel for the applicants submits that the applicants have been arrested on 3.3.2017 in connection with Criminal Case No.3051 of 2017 pending for trial before the Court of Judicial Magistrate First Class, Durg, Chhattisgarh for the offence punishable under Section 420 read with Section 34 of the Indian Penal Code.
3. This is the second bail application of the applicants. The first bail application filed before this Court was withdrawn by the applicants by order

dated 31.05.2017 in M.Cr.C. No. 2233 of 2017. Subsequent to that, a charge-sheet has been filed against the applicants. It is submitted that the applicants have been falsely implicated by the main accused in the case i.e. Nohar Singh Sonwani, although applicant No.1 is wife and applicant No.2 is daughter of Nohar Singh Sonwani but they had no role to play in the offence committed. Hence, it is prayed that the applicants be released on bail.

4. On the other hand, learned counsel for the State opposes the bail application. It is submitted that the applicants were equally involved in the commission of offence with co-accused Nohar Singh Sonwani and the offence committed is of serious in nature, hence, the applicants are not entitled for bail and their application may be dismissed.

5. The allegation in the First Information Report against the applicants and co-accused Nohar Singh Sonwani is that the co-accused Nohar Singh Sonwani induced complainant - Kuleshwar Prasad Sahu that he requires money to redeem the pledged gold ornaments from Kanti Lal Jewellers for which he has to pay Rs.9,98,000/-. It is alleged that the complainant paid Rs.10,00,000/- to the main accused Nohar Singh Sonwani and he paid the same to the Kanti Lal Jewellers. Thereafter, he demanded for repayment of the money given. Co-accused Nohar Singh Sonwani neither gave any gold nor he repaid the money taken from the complainant. Hence, the complaint was filed.

6. The role of the applicants in this incident is only that they were in company with the main accused Nohar Singh Sonwani when the transaction

of loan took place with the complainant.

7. On perusal of case diary, it appears that the applicants are local residents of District Durg. They are women and they have grounds available for the defence. Therefore, without further commenting anything on merits, this Court is of the opinion that the present is a fit case where they are entitled to be released on regular bail.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

9. It is directed that the applicants shall be released on bail on each of them 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 their appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge