

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1075 of 2018

- Smt. Rambha W/o Nohar Sonwani Aged About 42 Years R/o Shiv Nagar, Ward Rajiv Nagar Durg Tahsil And District Durg Chhattisgarh, District : Durg, Chhattisgarh

---- Applicant

Versus

- State Of Chattisgarh Through Station House Officer, Police Station Durg District Durg Chhattisgarh, District : Durg, Chhattisgarh

---- Respondent

For Applicant	:	Mr. T.K. Jha, Advocate.
For Respondent/State	:	Mr. Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

16/04/2018

1. This is the 3rd bail application of this applicant. First bail application of this applicant bearing MCRC No.2250/2017 was dismissed as withdrawn on 31.05.2017. Subsequent bail application bearing MCRC No.5309/2017 was dismissed vide order dated 12.10.2017 as not pressed . Hence, the bail application of this applicant has not been decided on merits so far.
2. This application under Section 439 of the Code of Criminal Procedure, 1973 has been filed for grant of regular bail to the applicant who has been arrested in connection with Crime No.139/2017, registered at Police Station- Durg, District – Durg(C.G.) for the offence punishable under Sections 420/34, 120-B of Indian Penal Code.

3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case. According to complainant Rajesh Shukla, he gave money to one Smt. Subha wife of Suresh, whereas no test identification parade has been conducted with respect to the applicant during investigation. Otherwise, all the allegations are against main accused Nohar Singh Sonwani. Thus, no case is made out against this applicant. Hence, it is prayed that she may be released on bail.
4. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that a woman who has been named Subha by the complainant was found to be with this applicant when the complainant went to the house of main accused Nohar. He saw this applicant present there and this applicant had also threatened the complainant with dire consequences by saying that if he continues to demand refund of the amount given, he would be killed. Hence, no case is made out for grant of bail in favour of this applicant.
5. Heard both the parties and perused the case diary.
6. According to the prosecution case, main accused Nohar Singh Sonwani gave inducement to complainant Rajesh Sukla in the year 2015, that a plot belonging to one Subha wife of Suresh is available for sale and the land owner has agreed to sell the land at the rate of Rs.1600 per sq. ft., whereas the actual market price of the land is Rs.2,500/- per sq. ft. He further gave a proposal to the complainant that after purchasing the said land, they will sell it out at higher rate and distribute the profit between them. Complainant accepted the said proposal and paid Rs.16 lakhs to main accused between 17.11.2015 to 14.10.2016. At one occasion, at the instance of main accused Nohar Singh, the complainant paid Rs.1,50,000/- to one woman

namely Subha, who was shown as the land owner. Subsequently complainant came to know about the fraud committed as the land in question did not belong to said Subha. Complainant came to the house of main accused Nohar Singh and found this applicant present there who claimed herself to be the wife of main accused. Thereafter, FIR has been lodged. After completion of investigation, charge-sheet has been filed.

7. Case is presently pending before the trial Court and this applicant is in jail since 3.3.2017. Main allegation of giving inducement about the delivery of property is against Nohar Singh Sonwani. Evidence on record shows that only on one occasion this applicant has received the amount, hence, looking to the role attributed to this applicant and considering that she is a lady and that the trial is still pending before the trial Court, I am of this view that this is a fit case where applicant should be released on regular bail during the pendency of trial against her.
8. 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 Court, for her appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha