

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2216 of 2018

- Smt. Sudha Mishra W/o Krishna Mishra, Aged About 41 Years, R/o- House No. C-35, Sawitri Nagar, Raigarh, District- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Police Station- City Kotwali, District- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

---- Non-applicant

For Applicant – Shri Sanjay Agrawal, Advocate.

For Non-applicant/State – Shri Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

15-05-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 22-01-2017 in connection with Crime No.687/2016 registered at Police Station City Kotwali, District- Raigarh, Chhattisgarh for the offence under Section 420, 212/34 of the IPC.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. He is in jail since 22-01-2017. Charge sheet has been filed after completion of the investigation. So far trial against this applicant has not made any progress and out of the list of 41 witnesses, only 5 witnesses have been examined so far. The trial is getting delayed and this applicant is languishing in jail without any fault on his part. Co-accused Krishna Mishra has been granted bail by this Court. Hence, it is prayed that this applicant may also be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that huge amount has been collected by this applicant by cheating the innocent investors and she is the main accused in this case, hence, she is

not entitled for grant of bail.

4. Heard learned counsel for the parties and perused the case diary.

5. According to the prosecution case, this applicant used to arrange kitty party in which 30 to 35 women used to participate. On the pretext that attractive interest shall be paid, this applicant made collection during the course of 5 years from all the women of the society and the amount collected was to the tune of Rs.2,18,94,000/-. The amount so collected was not repaid to the members of the kitty party and this applicant went in hiding to defraud them. Hence, this case.

6. Looking to this fact that after filing of the charge sheet, the trial against this applicant is getting delayed, also the applicant is local resident of District Raipur and her availability before the trial Court can be ensured by imposing suitable condition, I am of this view this applicant should be granted regular bail during pendency of the trial against her.

7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the 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 Court, for her appearance as and when directed.

8. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge