

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case No. 2117 of 2018**

Smt. Jyoti Pathak, aged about 50 years, W/o Awkash Pathak, R/o
Nawagaon, Police Station Pandariya, District Kabirdham (CG)

---- Applicant**Versus**

State of Chhattisgarh through Police Station Rakhi, Naya Raipur,
District Raipur (CG)

---- Respondent

For Applicant	:	Shri Kalyan Kalamkar, Advocate
For Respondent/State	:	Shri Adhiraj Surana, Dy. Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****02/05/2018**

This is the first bail application filed u/s 439 of Cr.P.C. for grant of bail to the applicant who is in jail since 07.03.2018 in connection with Crime No. 16/2017 registered at Police Station- Rakhi, Naya Raipur, District Raipur (CG) for the offence punishable under Sections 420, 409, 34 of IPC.

2. The allegation as per the prosecution against the present applicant is that she along with co-accused i.e. her husband namely Awkash Pathak is said to have collected huge amount of money by the villagers by way of insurance policy and when the policy matured, the applicant is said to have refused to release the payment payable to the complainants.

3. Contention of the counsel for the applicant is that the applicant has been implicated in the present case only on the ground of her being

the wife of main accused Awkash Pathak. There is no evidence whatsoever available in the case diary to show that the business was being run independently by the applicant and that she at any point of time had been independently canvassing for the business. He submits that all the witnesses who have been examined have all stated that the applicant had always accompanied her husband and that was the only role played by the applicant and therefore she is not in any manner connected to the offence. He further submits that the applicant may be granted bail considering the fact that she is a lady and has got two children at home to be taken care of and prayed for a sympathetic consideration.

4. State counsel, on the contrary, opposing the bail application submits that it is a case where the applicant along with co-accused is said to have amassed huge money from the villagers in the garb of giving better returns and subsequently when the policy matured, the petitioner and the co-accused are said to have refused to release the payment payable to the complainants. Therefore, the applicant too has equally played a role in the commission of the offence.

5. Having heard the contentions put forth on either side and on perusal of the record and also taking note of the fact that the applicant is the wife of the main accused and except for the fact that the applicant had accompanied her husband, there does not appear to have been any strong prima facie material available to establish the role played by the applicant independently. In addition, considering the fact that she is a lady and has got two children to be taken care of, this Court is of the opinion that prima facie, a strong case for grant of bail has been made out.

6. Accordingly, the application for grant of bail is allowed. It is directed that the present Applicant will 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 before the said Court as and when directed.

**Sd/-
(P. Sam Koshy)
JUDGE**