

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3730 of 2018

Smt. Laxmi Malik, W/o Shri Sunil, aged about 54 years, resident of Shankarnagar Bilaspur near Gudakhu Factory, Police Station Torwa, District Bilaspur (CG).

---- Applicant

Versus

State of Chhattisgarh, through its Police Station Sarkanda, Bilaspur, Civil & Revenue District Bilaspur (CG).

---- Non-applicant

For Applicant : Mr. Ravi Maheshwari, Advocate.

For Non-applicant : Mr. Dhiraj Wankhede, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board

03.07.2018

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with crime No.251/2018 registered at Police Station Sarkanda, Bilaspur, Civil & Revenue, District Bilaspur (C.G.) for the offence punishable under Section 392 of the Indian Penal Code.
3. Case of the prosecution, in brief is that on 19.04.2018 at morning near about 6:30 am when the complainant Aarti Dubey was going to Jain International School then one unknown person came to near her by motorcycle and snatched her necklace (Mangal-sutra) and committed

marpit by feast and, thereafter, flew away. On the basis of memorandum of accused Vinay Malik, one necklace worth of Rs.50,000/- was seized from the present applicant.

4. The applicant is in custody since 21.04.2018.
5. Learned counsel for the applicant submits that the applicant has no criminal background. She is innocent and has been falsely implicated in the present case, therefore, she shall be released on bail.
6. On the other hand, learned counsel for the State opposes the bail application.
7. Looking to these facts and circumstances of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence, the trial will take its own time, this Court is inclined to give benefit of Section 439 of the Cr.P.C. to the applicant.
8. Accordingly, the present bail application filed under Section 439 of the Cr.P.C., is allowed.
9. It is directed that if the applicant furnishes one solvent surety for a sum of Rs.25,000/- along with a personal bond in the like sum to the satisfaction of the concerned Trial Court with the condition that she will appear before the Trial Court at 11:00 am as and when directed till trial and she would co-operate during the trial, she shall be released on bail.
10. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE