

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4896 of 2018

- Kajol Khan @ Ayasha Khan W/o Kamar Ali Meman, Aged About 30 Years, R/o Masanganj P.S. Civil Lines, Bilaspur District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, P.S. Civil Lines, Bilaspur District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

----Non-applicant

For Applicant – Shri Ajay Ayachi Advocate.

For Non-applicant/State – Shri Anupam Dubey, Deputy Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

08-08-2018

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 07-06-2018 in connection with Crime No.797/16 registered at P.S. -Civil Lines, Bilaspur, District Bilaspur, Chhattisgarh for the offence under Section 420/34 of the IPC.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. She is in jail since 07-06-2018. No case is made out against this applicant. The fact is this, that the applicant is daughter of Late Shamshad Begam and she has the right to claim for retiral dues of Late Shamshad Begam and she has claimed it. Hence, it is prayed that the applicant may be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that the applicant is daughter of a different Shamshad @ Kulsum Khan and she has made false claim and received retiral dues of Miss. Shamshad Begam who had never married during her lifetime, according to the evidence present on record. Apart from that, this applicant has criminal history

of having been prosecuted under Section 302 of the IPC. Hence, it is prayed that the application may be rejected.

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

5. Complainant Iklak Khan has lodged the FIR against this applicant alleging that this applicant not being the successor or sibling of deceased Miss. Shamshad Begam had fraudulently representing herself as daughter of Miss. Shamshad Begam claimed and obtained retiral benefits. Hence, this case.

6. Considered on the material present in the case diary. There does not appear any requirement of further detention of the applicant for the purposes of investigation, and trial against the applicant is likely to take some time, hence, for these reasons, I am of the view that this applicant should be granted regular bail.

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