

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6828 of 2018

Shantana Roy, wife of Subir Roy Aged About 55 Years R/o- House
No. 3, Block No. 4, Kuber Enclave, Kohka, Bhilai Thana Supela,
District- Durg, Chhattisgarh. **--- Petitioner**

Versus

State of Chhattisgarh through- Station House Officer, Police Station-
Bhilai Nagar, District- Durg, Chhattisgarh., District : Durg,
Chhattisgarh **--- Respondent**

For the applicant	:	Mrs. Indira Tripathi, Advocate.
For the State	:	Mr. R.S. Jaiswal, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

27.09.2018

1. This is third bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No.246/2016 registered at Police Station Bhilai Nagar, Distt. Durg (C.G) for the offence punishable u/ss 420, 467, 468, 470, 34 of IPC and section 10 of the Chhattisgarh Investors Protection Act, 2005.
2. The first bail application was dismissed on 30.01.2017 on merits and the second bail application was dismissed on 01.11.2017 with a direction to the trial Court to expedite the trial.
3. As per the prosecution case, a report was lodged by complainant Raj Kumar Baidya that the applicant and her husband who were residing in a rented house of one V.K. Murugan projected that they have agreed to purchase the flat for consideration of Rs.45 lakhs, out of which, Rs.25 lakhs was paid and amount of Rs.15 lakhs was borrowed from the complainant with a promise that if they are not able to repay the sum of Rs.15 lakhs to the complainant, the applicant and

her husband would get the flat registered in the name of the complainant. Like wise the applicant alongwith other accused have collected a total sum of Rs.1,00,000,00/- from various persons by projecting different story and thereafter fled away, thereby the aforesaid offence was committed.

4. Learned counsel for the applicant submits that the applicant is in jail since 12.08.2016 and only two witnesses have been examined till date. She further submits that complainant himself has been examined and there is no chance of tampering the evidence of witnesses. She further submits that the trial may take certain time and looking to the period of custody of the applicant who is lady, she may be enlarged on bail.
5. Per contra, learned State Counsel opposes the bail application. However, he is unable to dispute the fact that only two witnesses have been examined as yet.
6. Considering the fact that the applicant is a lady of 55 years of age and is in jail since 12.08.2016 and it is not disputed that only two witnesses have been examined till date and the complainant himself has been examined, I am inclined to allow this bail application.
7. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on her executing a personal bond in 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.

C.c. as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**