

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 358 of 2019**

Smt. Mukta Shrivastava W/o Anil Shrivastava, aged about 51 years R/o B-30, Indira Vihar, Sarkanda, Bilaspur, District Bilaspur (C.G.).

At present Address House No. 404 Block No. 07, Ramkrishna Inklev, Sarkanda, District Bilaspur (C.G.)

--- Applicant

Versus

State of Chhattisgarh Through Station House Officer, Police Station Sarsiva, District Balodabazar-Bhatapara (C.G.)

---- Respondent

For Applicant	:	Mr. Goutam Khetrapal, Advocate
For Respondent	:	Mr. K.K. Dewangan, Dy. Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

17/01/2019

1. The Applicant has preferred this First bail application under Section 439 of the Cr.P.C for grant of regular bail as she is arrested in connection with Crime No. 241/2010 registered at Police Station Sarsiva, District Balodabazar-Bhatapara (C.G.) for the offence punishable under Sections 420, 409, 411, 414 and 120-B of the IPC and Section 4 & 5 of the Price Chit Fund and Money Circulation Scheme Act, 1978.
2. As per prosecution story, M/s. Royal Vision Care Marketing & Services Pvt. Ltd., Madurai, Tamilnadu, allured different persons to invest the money in the company so as to return the same within a short span of time. Consequently, money was deposited by the different persons and subsequently the money was not returned to them. The said activity was done without any permission of ICICI Bank or SBI. It is

alleged that the Applicant along with co-accused Umashankar, Sunil and Subhash had entered into an agreement for sale with Royal vision Care Marketing & Services Pvt. Ltd, therefore, they were also party to the conspiracy. The Applicant has been arrested on 06/01/2019.

3. Learned counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the present case. He further submits that on the basis of evidence collected by the prosecution, no offence can be made out against the Applicant. He further submits that the Applicant had entered into an agreement for sale with M/s Royal Vision Care Marketing & Services Pvt. Ltd, therefore, the Applicant has no nexus with affairs of the company. Neither she has collected any money from the public nor has assured any repayment. He would further submit that co-accused Sunil Kumar Ojha has already been granted bail by the Coordinate bench of this Court vide order dated 27/07/2016 passed in MCRC No. 4086/2016. Another co-accused Subhash Chandra Sharma has also been granted benefit of anticipatory bail by the Coordinate bench of this Court vide order dated 06/11/2013 passed in MCRCA No. 1237/2013 and another co-accused Uma Shankar Shrivastava has also been granted benefit of anticipatory bail by the Coordinate bench of this Court vide order dated 02/01/2014 passed in MCRCA No. 1376/2013. Apart from this, other co-accused persons have also been granted bail. He further submits that the Applicant is a lady who is suffering from heart disease and she is in custody since 06/01/2019, charge-sheet has been filed and trial will take time, therefore, she may be released on bail.

4. Counsel appearing on behalf of the State also opposes the bail application.
5. I have heard learned counsel for both the parties.
6. Considering the entire facts and circumstances of the case, particularly considering that co-accused Sunil Kumar Ojha has already been granted bail by the Coordinate bench of this Court vide order dated 27/07/2016 passed in MCRC No. 4086/2016, co-accused Subhash Chandra Sharma has also been granted benefit of anticipatory bail by the Coordinate bench of this Court vide order dated 06/11/2013 passed in MCRCA No. 1237/2013 and another co-accused Uma Shankar Shrivastava has also been granted benefit of anticipatory bail by the Coordinate bench of this Court vide order dated 02/01/2014 passed in MCRCA No. 1376/2013 and further considering that the Applicant is lady who is suffering from heart disease and is in jail since 06/01/2019 and trial will likely to take some time, without further commenting on merit of the case, I am inclined to release the Applicant on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the Applicant shall be released on bail on his executing a personal bond for a sum of Rs. 20,000/- with one surety for the like amount to the satisfaction of the trial Court for her appearance before the said Court, as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge