

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4169 of 2019

- Radha Kashyap D/o Late Firku Ram Kashyap, Aged About 56 Years, R/o Village - Sathoti, Post - Maraud, Tahsil - Gariyaband, District Gariyaband Chhattisgarh., District : Gariyabandh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station - Rakhi (Atan Nagar), Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

----Non-applicant

For Applicant – Shri Awadh Tripathi, Advocate.

For Non-applicant/State – Shri Roshan Dubey, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

14-10-2019

1. Heard on the application filed under Section 439 of the Cr.P.C. This is second bail application before this Court filed by the applicant for grant of regular bail. Her earlier bail application, MCRC No.3652 of 2019 was dismissed as withdrawn on 14-06-2019. The applicant has been arrested on 04-05-2019 in connection with Crime No.29/2019 registered at P.S. - Rakhi (Atan Nagar), Raipur, District Raipur, Chhattisgarh for the offence under Section 420/34 of the IPC.

2. It is submitted on behalf of the applicant that the complainant has made contradictory statement under Section 161 of the Cr.P.C. which discloses that the applicant is not the recipient of the whole amount by way of inducement. The applicant admits that she has received Rs.3,50,000/- from the complainant which she has handed over to co-accused persons, which she intends to return if she is enlarged on bail. Now, the charge sheet has been filed, therefore, it is prayed that the applicant be granted bail. It is further submitted that if this Court is not inclined for grant of regular bail to this applicant, then she may be granted interim bail so that she shall be able to return the amount received by her to the complainant, for a limited period.

3. Learned counsel for the State/non-applicant opposes the application and submits that this applicant is a person who was the first to give inducement to the complainant and others because of which the complainants were cheated, hence, she is not entitled for grant of bail.

4. According to the prosecution case, this applicant gave inducement to complainant Harish Chand Madhukar that she has acquaintances and she can use influences to get him appointed to Government job. Subsequent to which the complainant has made a payment of Rs.13,00,000/- in total to this applicant. The complainant could not get any appointment and thereafter when he asked for refund, the same was not made. Hence, the FIR has been lodged.

5. After considering on the material present in the case diary and also the statement of the complainant under Section 161 of the Cr.P.C. which appears to be a different statement than what he has stated in the FIR and also taking into consideration the submission made on behalf of the applicant that she intends to make refund of the amount actually received by her, I feel inclined to grant temporary bail to the applicant.

6. Consequently, the application filed under Section 439 of the Cr.P.C. is allowed on temporary basis. It is directed that the applicant shall be released on temporary bail for a period of six months 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.

7. The applicant is given liberty to make refund of the amount which she admits to have taken from the complainant and subsequent to which she shall be at liberty to file repeat application to make this order absolute.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge