

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4485 of 2019**

Ruma Bhowmick w/o Vishwajeet Bhowmick Aged About 45 Years R/o R-1,
Vinoba Nagar, Thana Tarbahar, Bilaspur, District Bilaspur Chhattisgarh.,
District : Bilaspur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station -
Sarkanda, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Mateen Siddiqui, Advocate.
For the Respondent/State	:	Shri Devendra Pratap Singh, Dy. A.G.
For the Objector	:	Shri Achyut Tiwari, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****22.07.2019**

Heard on admission.

Admit.

Also heard on I.A. No.1 of 2019, an application for urgent hearing.

Considering the grounds mentioned in the application, the same is allowed.

Heard on application under Section 439 of the Code of Criminal Procedure, 1973.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.567 of 2019, registered at Police Station Sarkanda, Bilaspur, District – Bilaspur, Chhattisgarh for the offence punishable under Sections 420, 467, 468, 471 and 120B/ 34 of the Indian Penal Code.

2. Learned counsel for the applicant submits that the applicant as well as complainant – Suresh Yadav both are partners of Aditya Aqua Culture, a partnership firm. It was complainant – Suresh Yadav himself who has obtained loan for the promotion of the company and as the company has failed to repay the loan in time that is why, false FIR has been lodged against the applicant. Recently, the applicant has undergone an operation of removal of uterus because of which, she is not in a physical condition to suffer any rigor. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the name of this applicant is used by main accused – Vishwajeet Bhowmick, who himself is absconding and if she is released on bail, that may affect the trial of the case against her. Hence, she is not entitled for grant of regular bail.

4. Learned counsel for the Objector/ complainant adopts the arguments submitted by the State counsel.

5. Heard counsel for both the parties and perused the case diary.

6. According to the prosecution case, complainant – Suresh Yadav had entrusted main accused – Vishwajeet Bhowmick with his property papers to secure loan obtained by him. Later on, co-accused – Vishwajeet Bhowmick on the basis of said property papers obtained a loan of Rs.60,00,000/- from bank in favour of Aditya Aqua Culture and has misappropriated the same. Hence, this case.

7. As it appears that all the allegations are mainly against co-accused – Vishwajeet Bhowmick, this applicant is a woman and she is presently under physical distress, therefore, I feel inclined to grant regular bail to the applicant.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

9. It is directed that the applicant shall be released on bail on furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for her appearance as and when directed. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge