

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No.8401 of 2018**

Smt. Marry Dubey, W/o late Ghanshyam Prasad Dubey, aged about 64 years,
R/o Shivaji Park, Vidhansabha Road, Raipur (CG). **---- Applicant**

Versus

State of Chhattisgarh, through the Police Station Vidhansabha, Raipur (CG).

---- Non-applicant

For Applicant : Mr. N. Naha Roy, Advocate.
For Non-applicant : Mr. Neeraj Kumar Sharma, Dy.G.A.

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****04.01.2019**

1. This is second bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and her no bail application is pending before any other Court.
2. The applicant has been arrested in connection with Crime No.42/2018 registered in Police Station Vidhansabha, Raipur for the offence punishable under Sections 420, 467, 468, 471, 34 of Indian Penal Code.
3. The first bail application of the applicant was dismissed on merits by this Court by order dated 24.08.2018 passed in M.Cr.C. No.5265 of 2018.
4. Prosecution story in brief is that the applicant and her son promise the complainant Vasudev Dewangan to get government service to him and obtained Rs.2,20,000/- from him and also used the forged appointment letter.
5. Counsel for the applicant submitted that on the basis of compromise, the applicant has been acquitted from the charge punishable under Section 420 of IPC. He drew my attention on the certified copy of the order of J.M.F.C., Raipur dated 29.12.2018, filed as Annexure A/3. In Annexure A/3, the said fact has been mentioned. He further submitted that there is no dispute between the applicant and the complainant. Complainant has no objection to release the applicant on bail. He drew my attention on the true copy of the applications under Sections 320(2) and 320(8) of CrPC dated 17.12.2018 wherein the said fact has been mentioned. Complainant Vasudev Dewangan was also examined as court witness before the court below and the said fact has also been mentioned in his statement. All those documents are the part of the bail application and as such the applicant may be released on bail.
6. Counsel for the State opposed the prayer for grant of bail. He submitted

that three criminal cases have already registered against the applicant in police case diary.

7. Looking to the aforesaid facts and circumstances of the case, this Court finds that the circumstances have been changed. The aforesaid circumstances are sufficient to release him on bail and further looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence; and the trial is likely to take some more time for its final disposal, this Court is inclined to give benefits of Section 439 of the CrPC to the applicant. Accordingly, the bail application is allowed.

8. It is directed that if the applicant furnishes two solvent sureties for a sum of Rs.25,000/- each along with a personal bond in the sum of Rs.50,000/- to the satisfaction of the concerned Trial Court with the condition that he shall appear before the Trial Court at 11:00 am as and when directed till trial and he would co-operate during the trial, he shall be released on bail.

9. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-