

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 7101 of 2019**

Linda, W/o. Charlee Magno Franzin, Aged About 30 Years, 181-D Ward No. 03 T.F. Flat No. 403, Near Mahroli P.S. Mahroli District Delhi At Present House No. 47/4 Ranjeet Vihar, P. S. Nihal Vihar Outer Delhi.

---- Applicant**Versus**

State Of Chhattisgarh, Through : P. S., Civil Line, Raipur District Raipur Chhattisgarh.

---- Respondent

For Applicant	: Mr. Sudip Johari, Advocate with Mr. Syed Ishhadil Ali, Advocate
For State/respondent	: Mr. Sudeep Verma, Dy.G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****19/12/2019**

1. This is the second 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.168/2019, registered at Police Station – Civil Line, Raipur, District – Raipur (C.G.), for the offence punishable under Section 420, 419, 201, 34 of the Indian Penal Code and Section 66 (d) of I.T. Act, 2000. The first bail application of the applicant was dismissed as withdrawn vide order dated 07.08.2019 in M.Cr.C. No.4301 of 2019.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. She has never participated in the commission of offence. Only for the reason that her bank accounts was used by the co-accused for the purpose of fraudulent deposit, therefore, she can not be held responsible on that

count. She is in jail since 06.04.2019. The case is pending for trial, therefore, she may be granted bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that this applicant is directly associated with co-accused Charlee, who is her husband and both the accused have collaborated and conspired to commit the offence, which is demonstrated from the evidence present in the charge-sheet. The applicant is not the local resident, hence for this reason, the applicant is not entitled for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, complainant Deepali Tandon accepted the friendship request from one Stephen Ward from social networking website Facebook. As the friendship went ahead, the said facebook friend made demands of money from complainant on various pretext and getting induced the complainant, made various deposits in the accounts supplied by the facebook friend, which amounts to about Rs.12.00 lakhs. Subsequently, when the complainant came to know about the fraud committed, she lodged the FIR and during the investigation it was discovered that facebook profile of Stephen Ward was being used by co-accused Charlee in association with his wife, the present applicant. Hence, this case.
6. Considered on the submissions made and the contents of the case diary. It appears that co-accused is Charlee is the main accused person and master mind behind the crime, therefore, this Court is of the opinion that present is a fit case, in which, the applicant should be

enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicant shall be released on bail on his 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 his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram