

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9910 of 2018**

Ku. Deepa Nigam D/o S. K. Nigam Aged About 31 Years R/o C-1997,
Rajajipuram , P. S. Talkatora, Lucknow U. P., District : Lucknow, Uttar
Pradesh

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police
Station Gandhi Nagar, Ambikapur District Surguja Chhattisgarh,
District : Surguja (Ambikapur), Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Rohit Sharma, Advocate
For the State	:	Ms. Sangeeta Mishra, Govt. Adv.

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**11/02/2019**

1. This is the second bail application under Section 439 of the CrPC. Earlier first bail application was rejected on 03/11/2017 considering prima facie case.
2. Perused the case diary provided by the learned counsel for the State in connection with the Crime No. 60/2014 registered at Police Station Gandhinagar, District Surguja (C.G.) for the offence punishable under Section 420, 34 of IPC.
3. Prosecution story in brief is that chit fund company – Renatas Credit Cooperative Society Limited was engaged in cheating to the public. Present applicant Deepa Nigam was working as Vice President in the said company. The company received money from depositors giving assurances that they will provide excess interest. Number of persons believed on those assurances and deposited their money in the said chit fund company. After maturity period, the investors did not get the amount due to insufficient fund in the account of said chit fund company.
4. Learned counsel for the applicant submits that she is in jail since 17/10/2015. She is suffering from auto immune urticaria and is a hypertension patient and a woman, other cases she has been released on bail by coordinate Bench on the ground of illness, thus she may be released on bail.
5. On the other hand, counsel for the State opposes the bail application.
6. As per the OPD slip of Chhattisgarh Ayurvigyan Sansthan Chikitsalay,

Bilaspur applicant is suffering from chronic urticaria.

7. As per the allergy screening test she is allergic to drugs, food, inhalants, Immunotherapy advised available at Endocrine laboratory.
8. *Prima facie* it does not appear that her treatment is not possible inside the jail or her treatment is only possible if she would release on bail.
9. There is no change of circumstances of the case on the strength of which the applicant is entitled to get benefit of Section 439 CrPC, consequently, second bail application is rejected.

Sd/-
(Sharad Kumar Gupta)
Judge

Kamde