

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.1310 of 2020

Smt. Kusma Das, W/o Shri Gouri Shankar Das, aged about 45 years, R/o D.N.K. Colony, Kondagaon, District Kondagaon (C.G.)

(In Jail)
---- Applicant

Versus

State of Chhattisgarh, Through Police Station Kondagaon, District Kondagaon (C.G.)

---- Non-applicant

For Applicant: Mr. Rakesh Pandey, Advocate.
For Non-applicant/State: Mr. Siddharth Dubey, Deputy Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

12/05/2020

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing her on regular bail during trial in connection with Crime No.232/2019, registered at Police Station Kondagaon, Distt. Kondagaon, for the offence punishable under Section 420 of the IPC.
2. Case of the prosecution, in brief, is that the applicant and one co-accused Gouri Shankar Das (husband of the present applicant) gave information to complainant Motu Ram Salam regarding Pradhan Mantri Digital Project and to get subsidy in purchase of tractor, tube-well and for construction of boundary wall and obtained Rs.1,50,000/- in bank account and Rs.90,000/- in cash, but, she failed to provide tractor, tube-well and loan and thereby committed the offence.
3. Learned counsel for the applicant would submit that the applicant is an illiterate lady and she obeyed the orders of her husband and she does not know about any such scheme as well as she does not know about maintaining her accounts. The applicant is maintaining her three sons and one daughter and her husband is absconding and she is not involved

in such offence. Charge-sheet has been filed and the applicant has been arrested on 3-2-2020. Trial of the case will take time to conclude.

4. Whereas, Mr. Siddharth Dubey, learned counsel for the State, would submit that from the statement of complainant Motu Ram, it would be evident that Rs.1,50,000/- was transferred from the account of Motu Ram Salam (wife of the complainant) and therefore the bail application deserves to be rejected.
5. I have heard learned counsel for the parties.
6. Taking into consideration the facts and circumstances of the case, nature and gravity of offence. role of the applicant, pretrial detention of the applicant and the trial is likely to take time, I am of the view that it is a fit case to enlarge the applicant on regular bail. Accordingly, the application is allowed.
7. It is, therefore, directed that the applicant be released on bail 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.
8. It is made clear that if the applicant has already been released on bail pursuant to the bail bonds already furnished in view of the order passed by the High Power Committee constituted in compliance of the order of the Supreme Court of India dated 23-3-2020 in the matter of **In Re : Contagion of COVID 19 Virus in Prisons** (Suo Motu Writ Petition (C) No.1/2020), she need not furnish bail bonds afresh and the bail bonds already furnished shall be deemed to be the bail bonds furnished in compliance of the order of this Court, but if she has not furnished bail bonds earlier, then she will be required to furnish bail bonds.

Sd/-
(Sanjay K. Agrawal)
Judge