

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3613 of 2020**

Smt. Divya Joshi, W/o Sumeet Joshi, Aged about 30 years, R/o
Gandhi Nagar, Murrabatti, Gudhyari, Raipur, District Raipur (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh, Through – SHO, PS- Telibandha, Raipur,
District Raipur (C.G.)

----**Respondent**

For Applicant : Mr. Awadh Tripathi, Advocate.

For Respondent/State : Mr. Raghvendra Verma, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****26.06.2020**

- The accused/applicant has moved his first bail application under Section 439 of the Code of Criminal Procedure for releasing her on regular bail during trial in connection with Crime No. 173/2020 registered at Police Station – Telibandha, Raipur, District- Raipur (C.G.) for the offence punishable under Sections 419, 420, 467, 468, 471 and 120-B of Indian Penal Code.
- According to the prosecution story, the complainant namely Neha Tayal, Branch Manager, Punjab National Bank, Telibandha Branch, Raipur (C.G.) has lodged written complaint with the allegation the husband of the present applicant namely Sumeet Joshi has taken a home loan and overdraft loan amounting Rs. 21,00,000/- (Rs. 3,00,000/- on the head of home loan and Rs. 18,00,000/- as overdraft limit loan) on the basis of his house which has been situated in Khasra No. 1357/10 and 1357/17, house No. 11/874, Rakba 1200 Sq. ft. situated at Dudhiyari, Gandhi Nagar, Netaji Kanhiyalal, Ward No. 8, Raipur, further she alleged the loan has not been timely paid so that the complainant enquire about the Sumeet Joshi, then she came to know he has not an employee of Municipal Corporation of Raipur, in fact father of the Sumeet Tarachand is working as an employee at Municipal Corporation of Raipur and in the written complaint, she has narrated the statement of account of Sumeet Joshi and Divya Joshi only a some of Rs. 3,93,000/- has been paid and a some of Rs. 12,40,000/- still outstanding against them and she further made an allegation husband of the present applicant along with agent namely Sunil Soni, they interned in criminal conspiracy for the purpose of

cheating with the bank.

- Learned counsel for the applicant submits that the allegation whatsoever levelled against the applicant does not constitute an offence against the present applicant, the loan has been sanctioned on the basis of document relating to the house situated at Dudhiyari and it is undisputed there is no any doubt about the document relating to the ownership and he further submits that so called loan has been sanctioned on the basis of the document relating to the house and there is no any dispersive for mortgage of the said house and the said loan has not been provided on the basis of other than the papers relating to the house of the applicant, so prima facie the offence not made out against the present applicant. He next contended that the applicant is in jail since 28.05.2020, therefore, she may be granted bail.
- On the other hand, counsel for the State opposes the bail application.
- I have heard learned Counsel for the parties.
- Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of the applicant, as trial is likely to take some time, without further commenting on merits of the case, I am inclined to release her on bail.
- Accordingly, the bail application is allowed.
- It is directed that the applicant shall be released on bail on executing a personal bond for a sum of Rs. 50,000/-, with one local surety for the like amount to the satisfaction of the trial Court for her appearance before the said Court as and when directed.
- 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 23.03.2020 in the matter of **in Re : Contagion of COVID 19 Virus in Prisons** (Suo Moto Writ Petition (c) No. 1/2020), he 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 the bail bonds earlier, then she will be required to furnish bail bonds within four weeks from today.

Sd/-
(Rajani Dubey)
Judge