

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6426 of 2020**

- Smt. Poonam Nayak, W/o Shri Abhinandan Nayak, Aged About 41 Years, R/o Near Hanuman Mandir, Raipura, Tahsil & District- Raipur (C.G.).

---- Applicant**Versus**

- State of Chhattisgarh, Through: Police Station- Utai, District- Durg (C.G.).

---- Respondent

For Applicant	: Mr. T.K. Jha, Adv.
For Respondent/State	: Ms. Sunita Jain, G.A.
For Objector	: Mr. C.R. Sahu, Adv.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****23.09.2020**

1. The matter is heard through video conferencing.
2. Default as pointed out by the Registry is overruled.
3. Heard on admission.
4. Admit.
5. The accused/applicant has moved this first bail application under Section 439 of Criminal Procedure Code for releasing her on regular bail during trial in connection with Crime No. 153/2020 registered at Police Station- Utai, District- Durg (C.G.) for the offence punishable under Sections 420, 34 of I.P.C.
6. The prosecution story, in brief is that, it has been alleged that present applicant along with other co-accused persons committed fraud on account of providing employment to her sons. Based on this, offence has been registered against the present applicant.
7. Learned counsel for the applicant submits that the applicant is

innocent and has been falsely implicated in the crime in question. He further submits that the charge-sheet has been filed and other co-accused has been granted bail in MCRC No. 4056/2020 and the applicant is in jail since 03.06.2020, there is no likelihood of her case being decided in near future, therefore, the present applicant may be released on bail.

8. On the other hand, counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the offence committed by the present applicant is of serious in nature, therefore, no case is made out for grant of bail.
9. Learned counsel for the objector opposes the bail application by submitting that the applicant has engaged in this act of cheating.
10. I have heard learned counsel for the parties and perused the case diary.
11. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, and further considering the facts that other co-accused has been granted bail in MCRC No. 4056/2020 and the applicant is in jail since 03.06.2020, and the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.
12. Accused/applicant is directed to be released on bail on her executing a personal bond in the sum of Rs. 50,000/-, with one local surety in the like sum to the satisfaction of the trial Court. She is directed to appear before the trial Court on each and every date given to her by the said Court.

Sd/-
(Rajani Dubey)
Judge