

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 198 of 2021

- Smt. Mugra Chouhan, W/o- Late Raju Chouhan, Aged about- 36 years, Caste – Thakur Rajput, R/o- Village Mungeli Ravan Bhata, New Bus Stand, Police Station, Tahsil & District- Mungeli (C.G.).
----- Applicant

Versus

- State of Chhattisgarh, Through: Station House Officer, Police Station – Ambikapur, District- Surguja (C.G.)

-----Non-applicant/State

For Applicant	:	Shri Anil S. Pandey, Advocate
For Non-Applicant/State	:	Shri Vimlesah Bajpai, G.A.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

16.02.2021

1. This is the first 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 on 09.10.2020 in connection with Crime No.744/2019 at Police Station-Ambikapur, District-Surguja (C.G.) for the offence punishable under Section 420 of IPC.
2. The allegation against the applicant is that she had borrowed the cash amount of Rs. 2,00,000/- from the complainant and again received some amounts from the complainant through bank account Nos. 4032028918, 095602771, 4370000088, 3057841299 & 20306522477 on different dates, thus the present applicant borrowed total Rs. 4,00,000/- from the complainant/victim namely Kiran Devi Chouhan and later on the applicant refused to return the said amount. Thereafter the matter was reported, applicant was arrested, memorandum was

recorded where the applicant admitted that she had taken the said amounts from the complainant and she had spent that amount.

3. Learned counsel for the applicant submits that the allegations against the applicant is false and fabricated, she is an innocent person, she is falsely roped in the present case, the matter is of civil nature, charge sheet has already been filed, there is no likelihood of the applicant tampering with the evidence or absconding, the alleged offence is triable by the Magistrate, the applicant is in jail since 09.10.2020, she has no criminal antecedents, therefore, at this stage, she may be granted bail.
4. On the other hand, learned State Counsel opposes prayer for grant of bail and he further submits that the applicant has no criminal antecedents.
5. Having considered the submission made by learned counsel for the parties, taking into consideration the nature of allegation and detention period of the applicant and the fact that the applicant has no criminal antecedents, there is no likelihood of the applicant tampering with the evidence or absconding as admitted by both the counsel and the fact that conclusion of the trial is likely to take some time, without commenting anything on merits of the case, the application is allowed.
6. It is directed that in the event of the applicant executing a personal bond for a sum of Rs.2,00,000/- with two sureties of Rs1,00,000/- each to the satisfaction of the concerned Trial Court, he shall be released on bail on following conditions:-
 - (a) she shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court.

(b) she shall not act in any manner which will be prejudicial to fair and expeditious trial, and

(c) she shall appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.

(d) she shall not involve herself in any offence of similar nature in future or else this order granting bail to the applicant shall automatically stand cancelled without further reference to the Bench.

Let a copy of this order be forwarded to the concerned police station forthwith who shall inform the trial Court in the event of applicant involving herself in similar offence in future.

Sd/-

(Gautam Chourdiya)
Judge

Nadim