

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 950 of 2021

1. Ku. Mausmi Mondal D/o Shri Bikash Mondal, Aged About 22 Years, R/o Sonarpur, Mathurapur, South 24 Pargana, Kolkatta (W.B.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through P.S. Bodhghat, District Bastar (C.G.).

---- Non-Applicant

For Applicant	:	Mr. Prafull N. Bharat, Advocate.
For Non-Applicant/State	:	Mr. V.K. Agrawal, Panel Lawyer.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

05/04/2021

- 1) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as she is in jail since 25/12/2020 in connection with Crime No. 203/2020 registered at Police Station Bodhghat, District Bastar (C.G.) for the offence punishable under Section 420, 120-B, 306 of the Indian Penal Code.
- 2) Case of the prosecution, in brief, is that during the period from March 2020 to 02/07/2020, a sum of Rs. 8,60,600/- was got deposited from deceased Ruhul Dey through Forever Friendship Online site in a fraudulent manner. When Rahul Dey demanded his money back, he was asked for depositing some additional amount and being fed up, he committed suicide by hanging in the intervening night of 6-7th July 2020. During investigation the applicant and other co-accused persons were arrested.
- 3) Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. He

further submits that necessary ingredients for attracting the offences alleged against the applicant are missing in this case. He submits that applicant has been arrested on 25/12/2020, charge sheet has been filed and applicant has no other criminal antecedents and conclusion of trial is likely to take some time for its disposal. Therefore, the applicant deserve to be released on bail.

- 4) On the other hand, learned counsel for the respondent/State opposes the bail application. However, he submits that the applicant has no criminal antecedents in Chhattisgarh as well as in Kolkatta.
- 5) Heard learned counsel for the parties.
- 6) Considering the facts and circumstances of the case, the detention period of the applicant who is 22 years old, and the fact that the applicant is a first offender having no criminal antecedents and there is no apprehension of the applicant tampering with the evidence or absconding as admitted by both the counsel, charge sheet has already been filed, there is no direct allegation against her, and that conclusion of trial may take some time, the application is **allowed**. It is directed that in the event of the applicant executing a personal **bond** for a sum of **Rs. 1,00,000/-** with two sureties of Rs. 50,000/- each to the satisfaction of the concerned Trial Court, she shall be released on bail on the following conditions:-
 - i. 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,
 - ii. she shall not act in any manner which will be prejudicial to fair and expeditious trial, and
 - iii. she shall appear before the trial Court on each and every date given to her by the said Court till disposal of the trial,

- iv. she shall not involve herself in any offence of similar nature in future.

**-Sd/-
(Gautam Chourdiya)
Judge**

Chandrakant