

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 2376 of 2021

- Smt. Sunita Sharma, W/o Santosh Sharma, Aged about 36 years, R/o Village Tarri, P.S. Nayapara, District – Raipur, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh, Through, SHO Police Station Kurud, District - Dhamtari (C.G.)

---- State/Non-Applicant

For Applicant	:	Shri B.P. Singh, Advocate
For Non-Applicant/State	:	Shri B.P. Banjare, Deputy Government Advocate

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

21.05.2021

1. The application is heard through Video Conferencing.
2. The applicant has preferred this second bail application under Section 439 of Cr.P.C. as she is in jail since 12.12.2020 in connection with Crime No. 412/2020 registered in Police Station- Kurud, District Dhamtari (CG) for the offence punishable under Section 420/34 of IPC
3. The first bail application of the applicant was dismissed as withdrawn vide order dated 18.02.2021 passed in M.Cr.C. No. 264/2021 by this Court.
4. Allegation against the present applicant is that the complainant has alleged that the applicant along with other co-accused persons has cheated the complainant and other persons by taking money in the name of securing jobs.
5. Learned counsel for the applicant submits that the applicant has been falsely implicated in this crime, she is languishing in jail since 12.12.2020, charge-sheet has been filed and due to covid-19 pandemic, conclusion of the trial is likely to take some time. He further submits that one of the co-accused namely Gajendra Rajak @ Gajju Rajak has already been granted bail by the trial Court vide Annexure-A/3 filed in the present bail application. Therefore, the applicant be released on bail.

6. On the other hand, learned counsel for the State opposes the bail application.
7. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, considering the age of the applicant i.e. 36 years, who a young woman, her detention period, charge-sheet has already been filed, and due to covid-19 pandemic, conclusion of the trial is likely to take some, the applicant has no criminal antecedent as admitted by both the counsel, there is no apprehension of the applicant tampering with the evidence or absconding, and that one of the co-accused namely Gajendra Rajak @ Gajju Rajak has already been granted bail by the trial Court, without expressing any opinion on merits of the case, the bail application is allowed.
8. It is directed that in the event of 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/her 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 or else this order granting bail to the applicant shall automatically stand cancelled without further reference to the Bench.
 - v. she shall strictly follow the covid-19 pandemic protocol issued by the Central Government/State Government/Local Authority.
9. In view of the above, I.A. No. 01/2021, application for urgent hearing, and I.A. No. 02/2021, application for hearing in summer vacation, stand disposed of.

Sd/-

(Gautam Chourdiya)
Vacation Judge