

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

MCRC No. 2782 of 2021

- Pushpa Singh Shriwas, W/o Vikas Singh Shriwas, Aged about 38 years, R/o Police Line, Bilaspur, Tahsil and District - Bilaspur (C.G.)
---- Applicant

Versus

- State of Chhattisgarh, Through- Station House Officer, Police Station Civil Line, Bilaspur, District - Bilaspur (C.G.)

---- Non-Applicant

For Applicant	:	Mr. Suryakant Mishra, Advocate
For Non-Applicant/State	:	Dr. (Ms.) Veena Nair, Dy.A.G.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

12.05.2021

1. Heard on admission.
2. The application is admitted for hearing.
3. With the consent of the parties, the matter is heard finally.
4. 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 07.03.2021 in connection with Crime No. 303/2021, at Police Station- Civil Line, Bilaspur, District- Bilaspur (C.G.) for the offence punishable under Section 420 of I.P.C.
5. Case of the prosecution, in brief, is that on 06.03.2021, the complainant lodged a written report at police station, Civil Line, alleging therein that the present applicant fraudulently obtained Rs.10,45,000/- from the complainant for the treatment and purchasing of the land.

6. Learned counsel for the applicant submits that the allegation against the applicant is false and fabricated, she is falsely implicated in the case. Counsel for the applicant further submits that present applicant and her family members are found Corona Positive and that the applicant/accused has no criminal antecedents, the case is triable by Magistrate and conclusion of the trial is likely to take some time, therefore, at this stage, she may be granted bail.
7. On the other hand, learned counsel for the Non-Applicant/State opposes prayer for grant of bail and submits that the applicant has no criminal antecedents.
8. Having considered the submission made by learned counsel for the parties, taking into consideration the nature of allegation and detention period of the applicant, who is 38 years old, the case is triable by Magistrate and the fact that the applicant has no criminal antecedents, there is no likelihood of the applicant tampering with the prosecution evidence or absconding as admitted by both the counsels and conclusion of trial may take some time, without commenting anything on merits of the case, the application is allowed.
9. 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 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 her 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.

In view of the above I.A. No.1, application for urgent hearing and I.A. No.2, application for hearing the case during summer vacation are disposed of.

Sd/-

(Gautam Chourdiya)
Vacation Judge

Nadim