

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3052 of 2021**

- Smt. Mamta Kiran Dewangan, W/o Prem Lal Dewangan, Aged About 40 Years, R/o Riddhi Siddhi Colony, Basantpur, Rajnandgaon, District Rajnandgaon Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through: Station House Officer, Police Station Charama, District Kanker Chhattisgarh.

---- Respondent

For Applicant	:	Mr. T.K. Jha, Advocate.
For Respondent/State	:	Mr. Adil Minhaj, G.A.

Hon'ble Shri Justice Gautam Chourdiya**Order on Board****02/08/2021**

- 1) Proceeding through Video Conferencing.
- 2) The applicant has preferred this application under Section 439 of Code of Criminal Procedure, 1973 as she is in jail since 24.01.2020 in connection with Crime No. 106/2019 registered at Police Station Charama, District Kanker (C.G.) for the offence punishable under Sections 420, 34 of Indian Penal Code and Section 6 & 10 of C.G. Protection of Depositors Interest Act, 2005.
- 3) As per the prosecution case, the applicant, her husband Prem Lal Dewangan and her sister Nisha Dewangan were Directors of Yalko Real Estate and Agro Farming Ltd. Company. They appointed an agent to collect money from people in installments by ensuring them to give double amount in return. However, they closed their office and no

such amount was given to the investors.

- 4) Learned counsel for the applicant submits that the applicant has been falsely implicated in this case, applicant is a lady and she was nominal Director in the company and she herself had not received any amount nor embezzled the amount, the applicant is in jail since 24.01.2020. There is no apprehension of the applicant absconding or tampering with the evidence of the prosecution, due to COVID-19 pandemic, conclusion of the trial is likely to take some time, and, therefore, the applicant be released on bail.
- 5) On the other hand, learned counsel for the respondent/State opposes the bail application.
- 6) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the fact that the applicant is a lady and the main allegation is against her husband/ co-accused, charge-sheet has already been filed, there is no apprehension of the applicant absconding or tampering with the evidence of the prosecution, due to COVID-19 pandemic, conclusion of the trial is likely to take some time, without commenting anything on merits of the case, the application is allowed.
- 7) 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 Rs. 1,00,000/- each to the satisfaction of the concerned Trial Court, she shall be released on bail on the 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.

(e) she shall strictly follow the COVID-19 protocol issued by the Central Government/State Government/Local Authority.

- 8) 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**

Ruchi