

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

MCRC No. 3360 of 2021

- Cresentia Kujur, W/o Eugene Kujur, Aged About 51 Years, R/o House No. 1079, Yamuna Vihar, Jamanpali, Darri, Police Station Darri, District- Korba, Chhattisgarh. **---- Applicant**

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Bhanpuri, District Bastar Chhattisgarh., District : Bastar(Jagdalpur), Chhattisgarh. **---- Non-Applicant**

For Applicant : Smt. Renu Kochar, Advocate

For Non-Applicant/State : Shri C.B. Kesharwani, Panal Lawyer

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

26.07.2021

- 1) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as she is in jail since 15.03.2021 in connection with Crime No. 54/2020, registered at Police Station- Bhanpuri, District- Bastar (C.G.) for the offence punishable under Section 420 of IPC.
- 2) Case of the prosecution, in brief, is that on 14.04.2020 the complainant received mobile call from an unknown mobile number, whereby, it was informed to the complainant that his Bank KYC is expired and is required to be updated. The complainant thereafter, provided the details of his PAN CARD, AADHAAR CARD and ATM CARD to the unknown person and after some time, the complainant received an SMS of deduction

of Rs. 49,999/- from his bank account. Thereafter, the complainant lodged F.I.R. against unknown person.

- 3) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. Learned counsel for the applicant further submits that the applicant is first offender, she has no criminal antecedents, charge-sheet has already been filed, there is no likelihood of the applicant tampering with the prosecution evidence or absconding the applicant has been arrested on 15.03.2021 and due to Covid-19 trial is likely to take some time for its final disposal. Therefore, the applicant be released on bail by this Court.
- 4) On the other hand, learned counsel for the Non-Applciant/State opposes the bail application and submits that the applicant has no criminal antecedents.
- 5) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the nature of allegation made against the present applicant, charge-sheet has already been filed, the detention period of the applicant, who is 51 years old, she is local resident to the complainant 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 due to Covid-19 conclusion of trial may 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 Rs. 1,00,000/- each to the satisfaction of the concerned trial Court, she shall be released on bail, on 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 strictly follow the COVID-19 protocol issued by the Central Government/State Government/Local Authority,

(v) she shall not involve herself in any offence of similar nature in future.

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