

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 7640 of 2020**

1. Smt. Uma Sharma W/o Rajesh Sharma Aged About 55 Years R/o- 192-B, Santa Colony, Raipur, District Raipur, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Station House Officer, Police Station- Saraswati Nagar, District- Raipur, Chhattisgarh

----Non-applicant

For Applicant	:	Ms. Fouzia Mirza, Sr. Advocate along with, Mr. Navin Shukla, Advocate
For State	:	Mr. Chandresh Shrivastava, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****13/12/2021**

1. Present is the third bail application filed under Section 439 of CrPC seeking for grant of bail to the applicant who was arrested on 30.08.2017 in connection with Crime No. 82/2011 registered at Police Station Saraswati Nagar, District Raipur, for the offence punishable under Sections 420, 409, 467, 468, 471, 120-B of IPC.
2. The earlier two bail applications have been rejected on 09.04.2018 and 06.02.2020 respectively.
3. The present bail application is filed by the Applicant only on the ground of delay in conclusion of trial. According to the counsel for the Applicant, the applicant has already undergone custody for a period of four years and four months by now. That out of the total 342 prosecution witnesses cited, till now only seven witnesses have been examined. With the given pace, the conclusion of the Trial in near future does not seem to be possible and in the process, the Applicant would have to languish in jail for no reason and no fault of

hers. The counsel for the Applicant further submits that the entire allegation if taken into consideration would reveal that the offence in fact has been committed by the husband of the Applicant and it so happened that the Applicant was only a partner to the business which the petitioner's husband was operating and she has been suffering for all these period on account of the act of her Husband. Only on the ground of delay in trial, the counsel for the Applicant prays for an appropriate order granting bail to the Applicant, subject to any condition that the Court may put.

4. The state Counsel on the other hand opposing the bail application submits that the plain reading of the rejection of the bail application on 09.04.2018 itself would show the gravity of the matter. That taking into consideration the gravity of the nature of offence, the Applicant does not deserve for a bail at this juncture. The State Counsel further submits that in the past before the applicant was arrested, she along with her husband had absconded and also had been residing at the different places with different names and with great difficulties, they could be arrested for an offence where the Applicant is said to have amassed more than Rs. 55 Crore from innocent people and thus prays for rejection of the Bail application. Counsel for the State is also opposing the bail application on the ground that the bail of co-accused also has been rejected.
5. Having heard the contention put forth on either side and on perusal of records particularly taking note the fact that applicant has already undergone custody for a period of more than four years and four months. Further out of the 343 witnesses cited, there are only seven

witnesses examined till now. Moreover taking into consideration the fact that the applicant has a daughter with some physical ailment as she is suffering from Polio since childhood and the daughter is the only child in the family.

6. Taking all these facts, this Court is inclined to grant bail to the applicant as of now only on the ground of delay in conclusion of trial. The applicant accordingly shall be released on bail, subject to the applicant furnishing a bail bond of Rs. 1,00,000/- with two sureties each for like sum. In addition, the petitioner is also directed not to sell or dispose of any of the properties which stand in the name of the applicant, in the name of the husband or in the name of the School which was said to have run by the applicant by the name Dolphin International School, till the conclusion of the Trial. Further, the applicant is also required to mark her presence at Sarswati Nagar Police Station starting from the date on which she would be released on bail every fortnight so as to ensure that she does not abscond. It is also directed that the applicant shall not leave the territories of District Raipur, at any point of time without intimating the concerned Police Station.

7. Accordingly, the present bail application stands allowed.

Sd/-
(P. Sam Koshy)
Judge