

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8160 of 2020

Kiran Nirala W/o Kamal Nirala (wrongly mentioned in the application as S/o Kamal Nirala) Aged About 31 Years R/o Village- Barpali, Post- Mohtara, Police Station- Gidhouri, District- Baloda Bazar, Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through- Police Station- Civil Line, District- Raipur, Chhattisgarh, District : Raipur, Chhattisgarh

---- Respondent

For Applicant	:	Shri Vikas Pandey, Advocate
For State	:	Shri Mateen Siddiqui, Dy. A.G.
For Objector	:	Shri Rahul Tamaskar, Advocate

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

12/03/2021

Heard.

1. The applicant is arrested in connection with Crime No.312/2020 registered in Police Station -Civil Line, District- Raipur (CG) for alleged commission of offence under Sections 381, 411, 413 IPC.
2. Case of the prosecution, in brief, is that husband of the applicant was entrusted with the garage owned by the complainant where large number of tyres were kept for sale and later on, when the complainant inspected, about 285 tyres, kept for sale, were found missing. During investigation, it was found that the stolen tyres were being sold to different persons through the proprietorship concern which stands in the name of the applicant, who happened to be wife of co-accused- Kamal Nirala. Learned counsel for the applicant further submits that there is no allegation against the present applicant that the present applicant was in-charge of any garage /store of the

complainant and the allegations are against co-accused Kamal. Involvement of the present applicant is only on the basis that proprietorship concern through which sale and purchase has been done is in the name of present applicant. Learned counsel for the applicant lastly submits that the investigation is complete, charge sheet has been filed, the applicant is a lady and is not likely to abscond or in a position to tamper with the prosecution witnesses, therefore, at this stage, she may be granted bail.

3. On the other hand, learned counsel for the State and counsel for the Objector opposed the bail application by submitting that as far as present applicant is concerned, she was the owner of the proprietorship concern through which sale and purchase of tyres, alleged to have been stolen by the co-accused, has been effected to number of customers.
4. Taking into consideration the submissions made by learned counsel for the respective parties, particularly taking into consideration the role alleged to have been played by the present applicant, considering that there is no case of previous conviction of the applicant for selling stolen property and further taking into consideration that the investigation is complete, charge sheet has been filed and there is no material to show that she is likely to abscond or tamper with the prosecution witnesses, I am inclined to grant bail to the applicant.
5. The application is accordingly allowed. It is directed that the applicant shall be released on bail on her furnishing a personal bond in the sum of Rs.25,000/- along with two local sureties for the like amount to the satisfaction of the concerned trial Court with following further conditions:-

- (i) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
- (ii) The applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-
(Manindra Mohan Shrivastava)
Judge