

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 9653 of 2021

Khusbu Soni (Kori) W/o Manoj Kumar Soni Aged About 31 Years Resident Of Rawatpura, Phase 2, 4042 Opposite Sai Mandir , Mathpurena District Raipur Chhattisgarh. **---- Applicant**

Versus

State Of Chhattisgarh Through Station House Officer Police Station City Kotwali District Raipur Chhattisgarh. **---- Non-Applicant**

For Applicant: Shri Kishore Bhaduri, Sr. Advocate along
with Shri Kamlesh Kumar Pandey, Advocate.
For Non-Applicant/State :Shri BP Banjare, Dy. AG.

Hon'ble Shri Justice Deepak Kumar Tiwari

Order on Board

20.12.2021

1. This is the 1st 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 in connection with Crime No.254/2021 registered at Police Station –City Kotwali, District – Raipur, Chhattisgarh for the offence punishable under Section 420 IPC.
2. Case of the prosecution in brief is that the appointment of Applicant was made on commission basis in Kulbhushan Jewelers, in which Rs.1 lac was to be paid to her on the sale of Rs.30 lacs, but the Applicant has fraudulently made some purchases and took bills in her own name and further, she demanded Rs.40 lacs by making a concocted story of her husband being ill for which she received Rs.34,13,000/- fraudulently through RTGS in her account bearing No.20146466409 of SBI, New Shanti Nagar, Raipur. On 25.12.2020 & 01.07.2021, two cheques of her amounting to Rs.28,40,000/- were dishonoured, therefore the offence under the said Sections has been registered.
3. Learned Senior Advocate for the Applicant submits that the Applicant has been falsely implicated in the crime in question. The complainant has obtained

two blank cheques from the Applicant in a fraudulent manner. He further submits that to avoid GST, income tax and other statutory liabilities, the owner of Kulbhushan Jewelers made a false story against the employee as without any security, it is impossible to sanction such huge amount and that there is no likelihood of the Applicant tampering with the prosecution evidence or absconding, she is in jail since on 30.10.2021 and trial is likely to take some time for its final disposal, therefore, she may be released on bail by this Court.

4. On the other hand, learned counsel for the Non-Applicant/State opposes the bail application.

5. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the period of detention, the nature of evidence against the Applicant, and there is no likelihood of the Applicant tampering with the prosecution evidence or absconding and conclusion of trial may take some time, the application is allowed.

6. It is directed that in the event of the Applicant's executing a personal bond for a sum of Rs 25,000/- with one surety in the like sum 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 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 .

Sd/-

(Deepak Kumar Tiwari)
Judge

Priya