

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****CRMP No. 1147 of 2023**

- Smt. Anita Rejinal Singh W/o Shri Ajmer Singh Aged About 55 Years
R/o Flat No. 302, Kalpataru Apartment, Talkies Road, Risali, Bhilai,
District Durg Chhattisgarh --- **Petitioner**

Versus

1. State Of Chhattisgarh Through Station House Officer, Police Station
Civil Line Raipur, District Raipur Chhattisgarh
2. Mahendra Khurana S/o Late G. S. Khurana Aged About 55 Years R/o
29 Mahalaxmi Cloth Market Pandari Raipur, Tahsil And District Raipur
Chhattisgarh --- **Respondents**

CAUSE TITLE TAKEN FROM CIS PERIPHERY

For Applicant : Mr. T. K. Jha, Adv.
For Respondent No.1/State: Mr. Gurudev I. Sharan, GA.

Hon'ble Shri Justice Deepak Kumar Tiwari
Order On Board

14.06.2023

1. This petition has been filed for modification of conditions (b) & (d) mentioned in paragraph 6 of the order dated 25.04.2022 passed in MCRC No.1532/2022. The conditions mentioned in the said order are reproduced hereunder:-

(a) The applicant shall pay Rs.18 Lacs by way of bank draft to the complainant while furnishing her bail;

(b) the applicant shall pay the remaining amount of Rs. 17 Lacs within next 90 days to the complainant;

(c) she shall appear before the trial Court on each and every date given to her by the said Court till disposal of case;

(d) If the conditions enumerated in clause (a) and (b) are violated, this order granting bail to the applicant shall automatically stand cancelled, without reference to the Bench."

2. Learned counsel for the petitioner submits that petitioner is bonfide lady and due to closure of her shop and due to extreme financial difficulties she could not pay the remaining amount of Rs.17 Lacs within the time stipulated. On instructions, learned counsel



submits that if further time of 7 days is granted to the petitioner, then she will try to arrange the remaining amount. Learned counsel also brings to the notice of this Court that after passing of the impugned order, the petitioner approached to the Hon'ble Supreme Court by way of filing SLP (Criminal) No.7334/2022, however, vide order dated 19.05.2023 the said petition was dismissed observing that payments have still not been made. He lastly submits that considering the facts and circumstances of the case and considering that petitioner is a lady, reasonable time may be given to the petitioner to pay the remaining amount.

3. On the other hand, learned State counsel submits that the petitioner has already approached the Hon'ble Supreme Court so as per judicial propriety, prayer of the petitioner is not liable to be entertained.

4. Heard learned counsel for the parties and perused the petition.

5. By way of impugned order dated 25.04.2023, this Court had already granted sufficient time to deposit the remaining amount to the complainant as fraud was committed by the petitioner and other co-accused to the tune of Rs.72,50,000/- and in lieu thereof, the petitioner being a wife had given a cheque of Rs.35 Lacs to the complainant however, the same was not honoured by her. Further, while passing the impugned order the petitioner has also given an undertaking to pay the remaining amount within 90 days, however, she disobeyed the said undertaking. In such circumstances, this Court does not find it appropriate to modify any condition or grant more time to the petitioner.

6. However, as the petitioner has already breached the judicial



order by not surrendering till date, at this juncture, this Court considering the prayer of the petitioner only observes that if within 15 days from today, she pays the remaining amount i.e. Rs.17 Lacs to the complainant and surrenders before the trial Court, then she will be at liberty to file regular bail application before the trial Court. Thereafter, the trial Court shall decide the said bail application expeditiously, preferably on the same day.

7. In view of the aforesaid observation/direction, this petition is disposed of.

C.C. Today.

Sd/-

(Deepak Kumar Tiwari)
Judge

