

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1230 of 2015

Manjit Kaur Parwana W/o Late Amrik Singh Aged About 70 Years R/o Behind Bhilai Auto Store, Durg, P.S. Mohan Nagar, Tehsil, Civil & Rev. Distt. Durg, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Incharge Police Station Mohan Nagar Durg, Tahsil, Civil & Rev. Distt. Durg, Chhattisgarh.

---- Respondent

For applicant – Shri Anand Shukla, Advocate.
For Respondent/State – Anil S. Pandey, G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

11/12/2015

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending her arrest in connection with Crime No.434 of 2015, registered at Police Station Mohan Nagar, Distt Durg (CG) for offence punishable under Section 420, 467, 468, 471, 120B read with Section 34 of Indian Penal Code.
2. According to the case of prosecution applicant wanted to sell part of land which was obtained by complainant Baldev Singh from Laxmi Narayan Killa Mandir Trust on rent by making forged documents.
3. Learned counsel for the applicant submits that plot was given to wife Manjit Kaur by the complainant Baldev Singh on 6/12/1983 wherein applicant has raised her superstructure and was living. Subsequently, civil suit was filed for ejectment which was dismissed. Against that application

under Order 9 Rule 9 of CPC was filed which was pending which is still to be adjudicated. Learned counsel submits that entire allegation is that of civil nature and ownership of the applicant whether she has acquired right by adverse possession is to be adjudicated by the civil court which cannot be short circuited by filing complaint and he submits that applicant may be released on bail.

4. Learned State counsel opposes the prayer for grant of bail and submits that as per case diary land was given by Baldev Singh to Amrik Singh husband of the applicant to stay there, however applicant want to sell land, therefore offence is made out.

5. I have perused the case diary as also document filed by the applicant one document dated 6/12/1983 wherein it states plot is given to the Manjit Kaur for construction and the plot was obtained from Killa Mandir Trust. Case diary contains letter dated 14/02/99 which purports that plot was given to Amrik Singh. Taking in to fact nature of allegation it appears that the dispute is of civil nature which is to be adjudicated before the court below. Prima facie therefore considering the documents of the case diary, I am inclined to extend benefit of anticipatory bail to the applicant.

6. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, she shall be released on bail by the officer arresting her on executing a personal bond in sum of Rs.25,000/- with one local surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions:-

- (i) that the applicant shall make herself available for interrogation before the investigating officer as and when required;
- (ii) that the applicant 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/her from disclosing such facts to the Court or to any police officer;
- (iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
JUDGE