

HIGH COURT OF CHHATTISGARH, BILASPUR

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MCRC(A) No. 1107 of 2015

Smt. Pramila Goswami, wife of Shri Rup Narayan, aged about 38years, resident of Geetanjali City, Phase II, Bahatrai Road, New Sarkanda, Police Station Sarkanda, District Bilaspur (C.G).

--- Applicant

Versus

State of Chhattisgarh, through Station House Officer, Police Station : Civil Line, Bilaspur, Chhattisgarh.

--- Respondent

For the applicant	:	Mr. Rajesh Singh, Advocate.
For the Respondent	:	Mr. Ashok Swarnkar, Panel Lawyer.
For the Objector	:	Mr. Sakti Raj Sinha, Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

19.11.2015

1. Apprehending arrest in connection with Crime No. 621/2015 registered at Police Station 621 of 2015 Civil Line, Bilaspur, District Bilaspur, Chhattisgarh for the offences punishable under Section 420 IPC, the applicant has filed this application under Section 438 Cr.P.C., for grant of anticipatory bail.
2. As per the prosecution case, a complaint was made by Geetanjali Goswami that the house belonged to her has been given on rent to one Amir Khan by the present applicant and thereby fraud has been committed.
3. Learned counsel for the applicant submits that applicant Pramila Goswami is daughter of Goverdhan Puri Goswami who actually purchased the subject house in the name of grand-son namely Rajendra Puri Goswami @ Rahul who was minor at the time of

purchase of the house on 21.03.1997. It is further submitted that complainant Geetanjali is wife of applicant's brother Rajesh Puri Goswami. He further submits that the mother of Rajendra Puri Goswami namely Geetanjali Goswami was dislodged from house in the year 2009 and their marriage was dissolved by a decree of divorce. It is submitted that thereafter the son of complainant Rajendra Puri Goswami @ Rahul committed suicide while staying with his grand-mother and the applicant. Thereafter, the property was mutated in the name of complainant, for which, revenue proceedings are pending before the Court of Sub-Divisional Officer (Revenue), Bilaspur. He further submits that on the basis of power of attorney granted by the mother of applicant namely Firan Bai, wife of Goverdhan Puri Goswami, the applicant has rented the house to Amir Khan. He submits that the dispute is entirely of civil nature and no criminality can be attributed to the applicant as the rights of parties in respect of the property are still to be adjudicated.

4. Per contra, learned State Counsel as also counsels for the objector oppose the prayer for grant of anticipatory bail.
5. A perusal of the case diary and other documents would show that the property was purchased in the name of Rajendra Puri Goswami when he was minor and subsequently the rent agreement has been executed by the applicant whereby the house in question was rented out to one Amir Khan.
6. Considering the dispute between the parties, it appears that the dispute is of civil nature wherein the respective parties are claiming rights over the property, I am of the opinion that it is a fit case to enlarge the applicant on anticipatory bail.
7. 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 will be released on bail by the officer arresting her on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the officer

arresting her or the concerned Investigating Officer. The applicant shall also abide by the following conditions :-

- (i) that she will make herself available for interrogation before the investigating officer as and when required;
- (ii) that she will 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 any police officer;
- (iii) that she will not act in any manner which will be prejudicial to fair and expeditious trial; and
- (iv) the she will appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**