

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC(A) No. 389 of 2016

- 1. Chitra Bai, wife of Shri S. Sandey, aged about 52 years, R/o village Khursi, Police Station Lalpur, Tahsil and District Mungeli (C.G).
- 2. Mohanlal Sahu, S/o Ratiram Sahu, aged about 38 years, R/o Village Bhathlikala, Police Station Jarhagaon, Tahsil and District Mungeli (C.G) ... **Applicants**

Vs.

State of Chhattisgarh, through Station House Officer, , Police Station (C.G).
... **Respondent**

For the applicant(s)	:	Mr. P.P. Sahu, Advocate.
For the Respondent	:	Ms. Sunita Jain, Panel Lawyer,

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

09.05.2016

- 1. Apprehending arrest in connection with Crime No.45 of 2016 registered at Police Station Jarhagaon, District Mungeli (C.G) for the offences punishable under sections 420, 467, 468 & 471/34 IPC, the applicants have filed this application u/s 438 of the Code of Criminal Procedure for grant of anticipatory bail.
- 2. Learned counsel for the applicants submits that applicant No.2 Mohanlal Sahu has been arrested during the pendency of this application, therefore, the bail application of applicant No.2 has become infructuous.
- 3. Accordingly, the bail application of applicant No.2 Mohanlal sahu is dismissed as infructuous.
- 4. As per the prosecution case, a complaint was made by one Surja Bai who was second wife of Bhaiyalal alleging that applicant Chitra Bai who is daughter of Bhaiyalal from first wife had

obtained a loan of Rs.40,000/- in the name of Surja Bai from Seva Sahkari Samiti, Bhatlikala by putting her forged signature over the documents and this fact came to the notice of complainant when notice of demand was served upon her by the Bank to repay the loan. It is alleged that applicant Chitra Bai in connivance of co-accused Hardayal Chandrakar who is Manager of Seva Sahkari Samiti Bhatlikala has prepared forged document of loan.

5. Learned counsel for the applicant submits that Surja Bai had obtained loan along-with Applicant No.1 Chitra Bai from Seva Sahkari Samiti, Bhatlikala and loan documents were signed and subsequently some dispute arose claiming property of Bhaiyalal. He further submits that son of complainant namely Chitrakant had filed an appeal before the SDO to delete the name of applicant No.1 Chitra Bai from the revenue records in respect of property of late Bhaiyalal. Thereafter the appeal having been dismissed, this false report has been made. He further submits that similarly placed co-accused Hardayal Chandrakar has been granted anticipatory bail by this Court in M.Cr.C(A). No.275 of 2016 on 22.03.2016 and therefore, the applicant may be enlarged on anticipatory bail.
6. Per contra, learned State Counsel opposes the prayer for grant of bail.
7. Perused the case diary. Prima facie, the document shows that certain loan was disbursed to Surja Bai. Considering the monetary transaction and *inter-se* relations between the parties as also considering the nature of complaint and role played by this applicant I am inclined to extend the benefit of anticipatory bail to applicant No.1 Chitra Bai.
8. Accordingly, this application is allowed and it is directed that in the event of arrest of applicant No.1 Chitra Bai 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) that she will appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.

C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**