

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C.(A). No. 1269 of 2015

1. Smt. Sarladevi Jain (Daga), W/o. Shri Kamalchand Jain (Daga), aged about 60 years, R/o. Sadar Bazar, Raipur (C.G.), Civil and Revenue District – Raipur (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : the Station House Officer, Police Station, Civil Lines, Raipur (C.G.)

---- Respondent

AND

M.CR.C.(A). No. 1270 of 2015

1. Smt. Sarladevi Jain (Daga), W/o. Shri Kamalchand Jain (Daga), aged about 60 years, R/o. Sadar Bazar, Raipur (C.G.), Civil and Revenue District – Raipur (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : the Station House Officer, Police Station, Civil Lines, Raipur (C.G.)

---- Respondent

For Applicant	: Mr. B.P. Sharma, Advocate with Mr. Manay Nath Thakur, Advocate
For Respondent/State	: Mr. Sangharsh Pandey, Dy.G.A.
For Objectors	: Mr. Kashif Shakeel & Ms. Smita Jha, Advocates

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

14/03/2016

1. Apprehending arrest in connection with Crime No.706/2015 and Crime No.707/2015 respectively, registered at Police Station- Civil Lines, Raipur, District – Raipur (C.G.), for offence punishable under Section 420 of the Indian Penal Code, the applicant has preferred these applications for grant of anticipatory bail.

2. As per the prosecution case, the applicant, who was holding land bearing Kh.No.297, admeasuring 7.79 acres was being sold in part from 1980 to 1990 and onwards till 2000 and during such sale, the applicant exceeded her limit of holding and sold the plot double to the different persons. The said sale came to fore, when the application for mutation were filed by the different purchasers and SDO after evaluating the facts came to a finding that the land has been sold over and above her holding and double sale deed is made in respect of same plot.
3. Learned counsel for the applicant would submit that according to the instructions, the applicant has sold the land within her limit of holding and the lands were sold during the period from 1980 to 2000 and while the lands were sold, the possession was also handed over, therefore, it can not be stated that the land has been sold over and above the holding and even otherwise the issue which has been raised is certainly a civil dispute, which can be agitated before the competent court. He would further submit that respective complainants have compromised and settled their grievance and have entered into an agreement. It is further stated that applicant has agreed to return back the sale consideration over a period of time, therefore, the counsel prays that the applicant may be extended the benefit of anticipatory bail.
4. Per contra, the State counsel opposes the bail application.
5. Learned counsel for the objector would submit that the complainant has entered into compromise to return the sale consideration/damages over a period of time within future date.
6. Taking into such statement made and considering the nature of allegations contained in case diary and the controversy as different sale deeds were executed over a period of time, since the

complainants themselves have entered into compromise and further taking into the fact that the applicant is the lady, this Court is inclined to extend the benefit of anticipatory bail to the applicant.

7. Accordingly, the anticipatory bail applications are allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offences, she shall be released on bail by the officer arresting her on executing a personal bond in sum of Rs.25,000/- - Rs.25,000/- respectively with one 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) that the applicant shall appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge