

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.1086 of 2016**

Gyaneshwari wife of Lakhbir Singh Koushal, aged about 35 years, R/o Village Gidhwa, P.S. Nandghat, Tahsil Navagarh, District Bemetara (CG)

---Applicant

Versus

The State of Chhattisgarh Through: The Station House Officer, Police Station Bemetara, District Bemetara (CG)

---Non-applicant

For Applicant	:	Mrs. Meena Shashtri, Advocate
For Non-applicant	:	Mr. Neeraj Sharma, Dy.G.A.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

09/03/2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.384/2014, registered at Police Station-Bemetara, District-Bemetara (CG), for the offence punishable under Section 420 of the IPC.

2. Case of the prosecution, in brief, is that the present applicant along with two other co-accused persons namely Hemin Bai and Sushil Kumar entered into an agreement to sell the suit land which was granted on lease by the Government to them stating to be Bhumi Swami and obtained Rs.12 lakhs from complainant Piluadas and thereby committed the aforesaid offence.

3. Learned counsel for the applicant would submit that the applicant has not committed any offence and she has falsely been

implicated in crime in question, in fact, Lakhbir, husband of the present applicant, is main accused who allegedly entered into agreement with complainant Piluadas on 17.2.2011 and obtained Rs.12 lakhs on behalf of co-accused Sushil Kumar without being authorized by him and since the land was granted to them by Patta, permission from the Collector was sought which was refused by the Board of Revenue. It is pure and simple civil dispute between the parties as such criminal action is not maintainable in law. She would further submit that co-accused Sushil Kuamr has been released on bail by this Court vide order dated 10.2.2016 in M.Cr.C.No.501 of 2016. The applicant is in jail since 1.1.2016, charge-sheet has already been filed and no further interrogation of the applicant is required.

4. On the other hand, learned counsel for the State would oppose the bail application.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts & circumstances of the case, nature & gravity of the offence, role of the present applicant, main allegation of obtaining amount from Piluadas is against Lakhbir, wife of the present applicant, further taking into account the fact which is stated at the Bar that 4.30 acres of land had already been registered in favour of Piluadas, considering the nature of dispute and the fact that co-accused Sushil Kumar has been released on bail, I am of the view that it is a fit case to enlarge the applicant on regular bail.

7. Accordingly, the bail application filed under Section 439 of the

Cr.P.C. is allowed.

8. It is directed that the applicant shall be released on bail on her furnishing a personal bond in the sum of **Rs.25,000/-** with one surety in the like sum to the satisfaction of the concerned trial Court, for her appearance as and when directed.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-