

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C.(A) No. 566 /2016

1. Smt. Ram Bai Patel, W/o. Janak Patel, Aged About 55 Years, R/o. Chunchuni Gevra Basti, P.S. Kusmunda, Tahsil Katghora, District Korba, Chhattisgarh
2. Smt. Sunita Patel, W/o. Puran Patel, Aged About 35 Years, R/o. Pali, At Present Chunchuni Gevra Basti, P.S. Kusmunda, Tahsil Katghora, District Korba, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh, Through the Station House Officer, Police Station Kusmunda, District Korba, Chhattisgarh

---- Respondent

For Applicants	:	Mr. V.R.Tiwari, Advocate.
For Respondent	:	Mr. Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

02/08/2016

1. Apprehending arrest in connection with Crime No.70/2016 registered at Police Station- Kusmunda, District Korba (C.G.) for the offence punishable under Section 420/34 of Indian Penal Code, the applicants have preferred this application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution case, the husband of the applicant No.2, Sunita Bai, made a report that the present applicants have grabbed the land by fraud and when the land was acquired by the SECL they have shown themselves to be the daughter of Mayaram and received the compensation.
3. Learned counsel for the applicants would submit that Mayaram and Johitram both have gifted the property, which would be evident from Annexure A-2 & A-3 and the report has not been made by the victim and therefore no offence has been made out; so the applicants may be enlarged on anticipatory bail.

4. Per contra, learned State counsel opposes the prayer for grant of anticipatory bail.
5. Perused the case diary and the documents. The document Annexure A-2 & A-3 is a gift deed executed by Mayaram and one affidavit of Johitram wherein it is stated that he has received the compensation of Rs.38,932/- and he has never complaint and it is stated that the SECL has made wrong entry. Annexure A-2 also pertains to the document which is gift deed though is not registered but the property is said to be devolved on Rambai which is dated 19.07.1976. Considering the nature of dispute and the fact that all the evidences appears to be of documentary in nature and further taking into fact that the applicants are lady, I am inclined to release the applicant on anticipatory bail.
6. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on furnishing a personal bond to a sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned Investigating Officer. The applicants shall also abide by the following conditions :
 - (i) that the applicants shall make themselves available for interrogation before the investigating officer as and when required;
 - (ii) that the applicants 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 applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

(iv) that the applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Ashok