

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C.(A). No. 214 of 2016

1. Fulkunwar, W/o. Jagdish Dubey, aged about 60 years, R/o. Village-Ghatai, Police Station-Janakpur, District-Korea (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Station House Officer, Police Station : Janakpur, District – Korea (C.G.)

---- Respondent

For Applicant	: Mr. Mahendra Kumar Sahu, Advocate
For Respondent/State	: Mr. Sangharsh Pandey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

09/03/2016

1. Apprehending arrest in connection with Crime No.69/2014 registered at Police Station- Janakpur, District – Korea (C.G.), for offence punishable under Section 420, 409/34 of the Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. As per the prosecution case, the applicant in connivance with her son, Sanjay Kumar Dubey sold the paddy to the paddy procurement centre over and above the limit prescribed, as the entitlement to sale the paddy is 36 quintals of paddy per hectares.
3. Learned counsel for the applicant would submit that no offence has been actually committed by this applicant as she was holding 5 hectares of land and the paddy which has been sold was within the limit prescribed. He would further submit that all the revenue records were maintained by the male members and the applicant is house wife, 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 and would submit that the son of the applicant namely S.K. Dubey has manipulated the revenue records and inflated the area and sold the paddy over and above to their entitlement, thereby has caused loss to the government revenue.
5. Taking into consideration that the applicant is a lady and house wife and it is stated that all the records were maintained by the male members of the family and the allegations are levelled against the son. Considering the fact that the applicant is lady and house wife, this Court is inclined to extend the benefit of anticipatory bail to the applicant.
6. 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 shall 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 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