

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 2027 OF 2016**

Jaymati Bai W/o Sitaram Sahu aged about 50 years R/o village Nawagarh Gauraha Mohalla Police Station Nawagarh Civil and Revenue District Janjgir-Champa C.G.

---Applicant**Versus**

State of Chhattisgarh, Through Station House Officer, Police Station Masturi District Bilaspur C.G.

---Non-applicant

For Applicant	: Shri Dharmesh Shrivastava, Advocate
For Non-applicant	: Shri O.P. Sahu, Govt. Advocate

And**M.Cr.C. No. 2070 OF 2016**

Smt. Kaushilya Bai wife of Late Ramji Patel aged about 50 years Occupation Service S.E.C.L. Resident of village Sarvamangla Nagar Durpa Police Station Kusmunda District Korba C.G.

---Applicant**Versus**

State of Chhattisgarh through Station House Officer Police Station Masturi District Bilaspur C.G.

---Non-applicant

For Applicant : Shri Aman Kesharwani, Advocate
For Non-applicant : Shri O.P. Sahu, Govt. Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

20/04/2016

1. Above mentioned two bail applications arise out of a common Crime No. 408/2015, registered at Police Station Masturi, Distt. Bilaspur (C.G.), for the offence punishable under Sections 420, 467, 468, 471, 120-B of I.P.C., therefore, they are being heard analogously and decided by this common order. These two applications are first bail applications filed under Section 439 of the Cr.P.C.

2. Case of the prosecution, in brief, is that complainant, her sisters- Smt. Shanti Bhardwaj, Smt. Usha Narmada and Smt. Sandhya Kaushik and accused Omprakash Goutam are owners of the land, Area 5.90 acres situated at Village Nirtu. It was further allegation that the co-accused Omprakash Goutam by impersonating some other women as his sisters, Smt. Shanti Bhardwaj, Smt. Usha Narmada and Smt. Sandhya

Kaushik got executed power of attorney. On the basis of said power of attorney, co-accused Omprakash Goutam sold the aforesaid land to Smt. Kaushilya Bai through registered sale deed. Allegation against Jaymati Bai is that she impersonating herself as sister of Omprakash Goutam appeared before the Registering Authority and signed the papers and allegation against Smt. Kaushilya Bai is that she was purchaser of land in dispute.

3. Mr. Dharmesh Shrivastava, learned counsel for the applicant- Jaymati Bai would submit that she has not committed any offence and has been falsely implicated in the offence in question. He would further submit that Jaymati Bai is rustic villager and at the instance of Omprakash Goutam, she has signed the document. He would further submit that there is no specific role of the applicant-Jaymati Bai and she has no knowledge regarding commission of crime. He would lastly submit that charge sheet has been filed and she is in jail since 28/12/2015, therefore, she may be enlarged on bail.

4. Mr. Aman Kesharwani, learned counsel for the

applicant- Smt. Kaushilya Bai would submit that she has not committed any offence and has been falsely implicated in the crime in question. He would further submit that she is bonafide purchaser of the land and she has paid Rs. 12 Lacs. He would further submit that she is employee of the S.E.C.L. He would lastly submit that applicant is in jail since 02/03/2016, therefore she may be enlarged on bail.

5. Learned counsel for the State would oppose the prayer for grant of bail.

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

7. Taking into consideration the facts and circumstances of the case and further taking into consideration the nature and gravity of offence, role of the applicant- Jaymati Bai as she is illiterate woman and she is not beneficiary; role of the applicant- Smt. Kaushilya Bai as she is said to be bonafide purchaser and she has paid Rs. 12 Lacs to Omprakash Goutam and she is the employee of S.E.C.L.; charge sheet has already been

filed and pretrial detention of the applicants, this Court is of the opinion that present is the fit case, in which, the applicants should be enlarged on regular bail.

8. Accordingly, the bail applications (M.Cr.C. Nos. 2027/2016 & 2070/2016) filed under Section 439 of the Code of Criminal Procedure are allowed.

9. It is directed that applicants namely, Jaymati Bai and Smt. Kaushilya Bai shall be released on bail on their furnishing a personal bond in the sum of **Rs.25,000/-** each with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

10. Certified copy as per rules.

Sd/-

(Sanjay K. Agrawal)
JUDGE