

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 662 of 2016**

- Smt. Lata Sahu W/O Shri Murit Ram Sahu Aged About 55 Years R/O Quarter No. H I G -C1, C2, Behind Niharika Talkies, Maharana Pratap Nagar, Korba, District Korba, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station City Kotwali, District Korba, Civil And Rev. Distt. Korba, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. R.S. Marhas, Advocate
For Respondent/State	:	Mr. Neeraj Kumar Sharma, Dy.G.A.
For objector	:	Mr. R.S. Baghel, Advocate.

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****05-08-2016**

1. The applicant has preferred the instant bail application under Section 438 of the Code of Criminal Procedure for grant of anticipatory apprehending her arrest in connection with Crime No. 162 of 2016 registered at Police Station City Kotwali, Korba, Civil and Revenue District Korba (CG) for the offence punishable under Sections 420, 467, 468, 471 and 120-B of the IPC.
2. Case of the prosecution, in brief, is that on 8-4-2016 a report was made by complainant Mamta Sahu, who is daughter-in-law of the present applicant that she was married to Shashikant Sahu and out of their wedlock two sons were born i.e., Gauravkant and Garvkant. Her husband died in a road accident on 7-6-2011, thereafter a claim case was preferred by the father-in-law, mother-in-law and the dependents of Shashikant Sahu i.e., two sons along with complainant Mamta Sahu. While the case was pending, the applicant along with her

husband Murit Ram Sahu filed an application before the Claims Tribunal that Mamta Sahu died on 1-6-2013 and thereafter her name was deleted on 30-4-2013. It is further alleged that the applicant and other co-accused on the basis of forged death certificate of Mamta Sahu obtained compensation claims from Life Insurance Corporation of India and Sahara India and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicant would submit that the applicant, who is mother-in-law of the complainant, was not a party to any such act and the entire allegations have been attributed to her husband. It is further submitted that after death of Shashikant Sahu, Mamta Sahu got married with one Shanbaz Hussain and her both sons were in adoption of mother-in-law and father-in-law. It is further submitted that at the time of marriage, it was also agreed that she will not claim any right over compensation claim and other property of Shashikant Sahu, therefore, no allegations can be attributed to the present applicant. Therefore, considering the facts and circumstances of the case, the applicant may be extended the benefit of anticipatory bail.
4. Per contra, learned State counsel and also counsel for the objector oppose the bail application.
5. I have heard learned counsel for the parties, perused the case diary, documents and also agreement, Godhnama (adoption deed) and agreement of marriage of Mamta Sahu with Shahbaz Hussain and also perused the document and the application which was filed for compensation before the Claims Tribunal which bears the signature of Murit Ram Sahu.

6. Taking into consideration the facts and circumstances of the case, nature of allegations leveled against the applicant and further considering the document which was primarily executed which was signed by Murit Ram Sahu, husband of the present applicant, I am inclined to extend the benefit of anticipatory bail to the applicant.
7. Accordingly, the bail application filed under Section 438 of the Cr.P.C., 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 her executing a personal bond in the sum of Rs.25,000/- with one local 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 himself 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)	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

Raju