

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****M.Cr.C. (A) No. 756 of 2016**

Annapurna Soni W/o Dinesh Soni Aged About 45 Years R/o -
Jawahar Ward, Mungeli, Tahsil & District - Mungeli, Civil & Revenue
District - Mungeli Chhattisgarh

----Applicant**Versus**

State Of Chhattisgarh Through The Station - City Kotwali, Mungeli,
Civil & Revenue District - Mungeli Chhattisgarh

----Non-Applicant

For Applicant:	Shri Neeraj Mehta, Advocate
For Non-Applicant /State:	Shri. Anupam Dubey, Dy. Government Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****15.07.2016**

1. This is second bail application filed under Section 438 of Cr.P.C. for grant of anticipatory bail to the Applicant who is apprehending his arrest in connection with Crime No. 289/2013, registered at Police Station- City Kotwali, Mungeli, for the offence punishable under Sections 419, 420, 467, 468, 471, 120(B) read with 34 of IPC
2. The first bail application vide M.Cr.C. (A) No. 439/2014 was rejected by this Court on 27.06.2014.
3. Learned Counsel for the Applicant submits that the present Applicant has been made accused during the course of trial against the original accused persons on an application under Section 319 of Cr.P.C. which was allowed. He further submits that though the first

bail application was rejected on the ground that the application under Section 319 of Cr.P.C. was not decided by that time, the Applicant was granted liberty to avail appropriate remedy subsequently if the Application under Section 319 is allowed. Now the Application under Section 319 has been allowed and an order for impleading the present Applicant as an accused has been passed. The present Applicant can at any time be arrested in connection with Crime No. 289/2013 registered at Police Station – City Kotwali, Mungeli for the offence under Sections 419, 420, 467, 468, 471 and 120(B)/34 IPC.

4. Learned Counsel for the Applicant further submits that the role of the present Applicant is only that she purchased property from the original property owners Chandra Kiran, Rambhadra Singh, Ghanshyam Singh and Savitri Bai. It is alleged that while executing the sale deed in place of Savitri Bai the sale deed was executed impersonating her by one Krishna Soni by the brother of Savitri Bai. According to the Counsel for the Applicant as far as present Applicant is concerned she was not aware that it was Krishna Soni is actually not Savitri Bai who has entered in the sale deed and purchased the property, therefore she has been unnecessarily implicated in the said case and prays for grant of anticipatory bail.

5. Learned State Counsel however opposes the bail application on the ground that it is a fact which has yet to be considered by way of evidence whether the Applicant was aware of the impersonation of Savitri Bai or not. Another fact is that the impersonating person Krishna Soni was in fact wife of one of the servant of the Applicant and therefore she must have known the family member of the servant and who Krishan Soni was.

6. Having considered the rival contentions put forth on either side and taking into consideration the fact that the present Applicant prima facie was ignorant of the fact that in fact it was Krishna Soni not Savitri Bai signing the sale deed and also considering the fact that the Applicant is a middle aged lady, this Court is of the opinion that present is a fit case where the Applicant can be given an advantage of anticipatory bail.

7. Accordingly, the application filed under Section 438 of Cr.P.C. is allowed. It is directed that in the event of arrest of the Applicant in connection with Crime No. 289/2013, registered at Police Station-City Kotwali, Mungeli for the offence under Sections 419, 420, 467, 468, 471 and 120(B)/34 IPC, if she furnishes a personal bond for a sum of Rs. 25,000/- with one surety of the like amount to the satisfaction of the concerned arresting/investigating officer or the Court concerned, as the case may be, then she shall be released on bail on the following further conditions:

(i) that the applicant shall make herself available for interrogation before the concerned 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

(iii) 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.

Sd/-

(P. Sam Koshy)
JUDGE