

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 857 of 2016**

- Smt. Hameeda Begum W/O Late Mirza Asaddulla Beg Aged About 72 Years R/O Word No. -13, Near Raza Masjid, Panjabi Para, Mahasamund, P.S. Mahasamund, Tahsil And Civil Distt. And District Mahasamund Chhattisgarh.

---- **Applicant**

Versus

- State Of Chhattisgarh Through P.S. Mahasamund, Rev. Distt. And Distt. Mahasamund Chhattisgarh.

---- **Respondent**

For Applicants : Mr. Suryakant Mishra, Advocate

For Respondent/State : Mr. Neeraj Kumar Sharma, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri**Order on Board**

23-09-2016

1. This application under Section 438 of Cr.P.C has been filed by the applicants apprehending their arrest in connection with Crime No. 343 of 2016 registered at Police Station Mahasamund, District Mahasamund (CG) for offence punishable under Sections 420, 406/34 of the IPC.
2. As per case of the prosecution, a report was made by complainant Divas Jain that the land property i.e., Malbasrap of shop was in the name of late Mirza Asadulla Beg and after his death the applicant along with her two children namely Mirza Saleem Beg and Mirza Shameem Beg sold the said shop to complainant Divas Jain though the property was not owned by them. The sale was made on 20-5-2015.
3. Learned counsel appearing for the applicant would submit that applicant is a woman aged about 72 years and they have not sold

the entire property but only Malbasrap of shop was sold which would be evident from sale letter dated 20-5-2015 which is a notarized document and it is not a registered sale deed, therefore, considering the facts and circumstances the applicant may be extended the benefit of anticipatory bail.

4. Learned State counsel opposes the prayer for grant of anticipatory bail.
5. I have heard learned counsel for the parties, perused the case diary and documents and the sale letter dated 20-5-2015 which is a notarized document. shows that Malba-srap of shop was sold.
6. Considering the facts and circumstances of the case and further considering the fact that the applicant is a woman aged about 72 years, I am inclined to extend benefit of anticipatory bail to the applicant.
7. 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, applicant 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 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) 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