

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 917 of 2016**

1. Smt. Maya Kawde, aged about 45 years, Caste-Gond, W/o. Late Shri Vijay Kawde, R/o. Village- Makdi Khuna, P.S. - Kanker, District – Kanker (C.G.)

----Applicant

Versus

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

---- Respondent

For Applicant : Mr. Sandeep Yadav, Advocate

For Respondent/State : Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****07/10/2016**

1. Apprehending arrest in connection with Crime No.235/2016 registered at Police Station- Kanker, District – Kanker (C.G.), for offence punishable under Section 420, 467, 468, 471, 120-B of Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. As per the prosecution case, in the year 2010, a loan was obtained by Dasru and Kunwar Singh Netam but actually one Mahesh Shori personified himself as Kunwar Singh Netam, who was identified by the present applicant, being the Sarpanch of Gram Panchayat Makdi and on that basis agricultural loan was obtained. Subsequently, the loan was not repaid and after six years recall notice was issued to Kunwar Singh Netam, thereafter, the report is made.
3. Learned counsel for the applicant would submit that the applicant is not at all beneficiary and in fact fraud was played by Dashru and Mahesh Shori. It is further submitted that the applicant has not

identified the Kunwar Singh and she has not placed any signature.

It is further submitted that the applicant was not the beneficiary can not be said to have committed the offence and the incident is of the year 2010 and applicant being the lady, therefore, the counsel prays that the applicant may be extended the benefit of Section 438 of Cr.P.C.

4. Per contra, learned counsel for the State opposes the application for grant of bail.
5. I have heard learned counsel for the parties.
6. Perused the case diary and the documents. Considering the nature of allegation levelled against the present applicant, who was said to be Sarpanch of Gram Panchayat - Makdi and further taking into the facts of this case and the applicant being the lady and considering the job discharged, this Court is inclined to extend the benefit of anticipatory bail to the applicant, as no custodial interrogation may be required in this case.
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, 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 today.

Sd/-
(Goutam Bhaduri)
Judge