

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MISC. CRIMINAL CASE (A) NO. 157 OF 2017

Smt. Kavita Baghel, W/o Shri Balkishore Barwa, aged about 36 years, R/o Shanti Vihar, Danganiya, Raipur, District Raipur (C.G.)

... Applicant

Versus

State of Chhattisgarh, through Police Station Golbazar, Raipur, District Raipur (C.G.)

... Non-applicant

For Applicant	:	Mr. Kashif Shakeel, Advocate.
For Non-applicant/State	:	Mr. Ashish Shukla, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

19/05/2017

1. The present application has been filed under Section 438 of CrPC for grant of anticipatory bail to the Applicant who is apprehending her arrest in connection with Crime No. 86 of 2016, registered at Police Station- Golbazar, District - Raipur, for the offence punishable under Sections 420, 467, 468, 471, 380/34 of IPC.
2. As per the prosecution case, the Applicant is said to have played a role of middleman in the allotment of houses under BSUP Scheme in Dhebar City, Raipur. A complaint was lodged in respect of allotment of the houses made under the said Scheme. During the course of investigation, it is learnt that the Applicant along with other accused persons is said to have connived together and had illegally made allotment of houses to different persons and has obtained huge amount of money and the receipts of which were provided to the allottees from the receipt book which is alleged to have been stolen from the Municipal Corporation, Zone No.7. Further case of the prosecution against the Applicant is that it is the present Applicant who has been instrumental in negotiating with the

different allottees for allotment of the houses and that it was she who had played a role of middleman in getting the allotments to different persons.

3. Learned Counsel for the Applicant submits that perusal of the charge-sheet would reveal that in spite of there being a case of illegal allotment being made by the Municipal Corporation, none of the employees of the Municipal Corporation have been made an accused and only the present Applicant and other similarly placed persons have been made accused and that they have been made scape-goat in the entire case. He further submits that the statement of the witnesses as well as statement of the complainant would reveal that allotment, receipts and the documents were not signed by the Applicant and neither is there any document by which it could be revealed that the present Applicant has played an active role in the allotment of the houses.

4. Learned Counsel for the State however opposes the anticipatory bail application and submits that all the witnesses and the complainant have stated that it is the present Applicant who has given assurance to the different allottees in respect of allotment being made and that most of the witnesses have named the present Applicant of having given them assurance.

5. Having heard the rival contentions and also on perusal of the record what would clearly reflect is that there are only two persons who have named the present Applicant of having played a role, i.e., Pushpa Pandey and Mohd. Shahid. A plain perusal of the statement of these witnesses would show that in spite of there being an allegation of an assurance being given by the present Applicant, allotment and allotment papers were not signed by the Applicant and from the receipts of the documents there does appear the genuine signature of the officers, which according to the State Counsel, were pre-signed documents.

6. Considering the total facts and circumstances of the case, even accepting the case of the prosecution as it is, prima facie, all that can be attributed against the present Applicant is that she might have played only a role of middleman in the allotment of houses and no monetary transaction whatsoever has been accepted or made to the Applicant by any of the allottees, further also taking note of the fact that the main accused persons namely Bhuvneshwar Prasad Sahu, Dhanraj Sahu and Sisendu Dewangan have already been enlarged on bail by this Court vide its order dated 10.2.2017 passed in M.Cr.C. Nos, 7959 of 2016, 8079 of 2016 and 8207 of 2006 respectively, this Court is of the opinion that prima facie a strong case for grant of anticipatory bail to the present Applicant is made out.

7. Accordingly, the present application under Section 438 of CrPC is allowed. It is directed that in the event of arrest of the Applicant in connection with Crime No. 86 of 2016, registered at Police Station- Golbazar, District - Raipur, for the offence punishable under Sections 420, 467, 468, 471, 380/34 of 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

(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.

Sd/-

(P. Sam Koshy)
Judge

/sharad/