

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 634 of 2017**

Smt. Payal Jain, W/o. Shri Aashish Jain, Aged About 35 Years, R/o. Prem Pushp, Jal Vihar Colony, Raipur (Chhattisgarh).

----Applicant

Versus

State Of Chhattisgarh, Through : Station House Office, Police Station -Civil Lines, Raipur, District Raipur (Chhattisgarh).

---- Respondent

AND**M.CR.C.(A). No. 897 of 2017**

Smt. Premlata Jain, W/o. Late Shri R.K. Jain, Aged About 76 Years, R/o. Prem Pushp, Jal Vihar Colony, M.H. No.22, Thana- Telibandha, Raipur, Chhattisgarh

----Applicant

Versus

State Of Chhattisgarh, Through : Station House Office, Police Station- Civil Lines, Raipur, District Raipur, Chhattisgarh

---- Respondent

For Applicants	: Mr. Rajeev Shrivastava, Advocate
For Respondent/State	: Mr. O.P. Sahu, Govt. Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**11/12/2017**

- Both the bail applications filed under Section 438 of Cr.P.C. are heard and decided together by this common order as they are arising out of the same crime number.

2. Apprehending arrest in connection with Crime No.660/2016, registered at Police Station- Civil Lines, Raipur, District – Raipur (C.G.), for offence punishable under Section 420, 467, 468, 471, 120-B, 409, 384, 34 of the Indian Penal Code, the applicants have preferred these applications for grant of anticipatory bail.
3. It is submitted by the learned counsel for both the applicants that the applicants are house wives and they have nothing to do with the crime committed. All the allegations are against the main accused -Ashish Jain, both the applicants are simply purchaser of the said disputed property. There is no evidence against the applicants in the case of prosecution. Further the charge-sheet has also been filed after completion of investigation, which shows that arrest and detention of applicants is not required for the purpose of investigation, hence for these reasons, the applicants may be benefited with grant of anticipatory bail.
4. Per contra learned State counsel opposes the applications for grant of bail and the submission made in this respect. It is submitted that applicant – Smt. Premlata Jain in M.Cr.C.(A) No.897/2017 had been borrower from PNB Bank with respect to the disputed property and both the applicants are beneficiaries in whose name the developed residential building have been transferred by the main accused Ashish Jain cheating the co-owners of the disputed land. Hence for these reasons, it is clear that applicants are equally responsible for the offence committed, hence, they are not entitled to be released on anticipatory bail.
5. I have heard the learned counsel for the parties and perused the case diary and the documents.

6. The brief facts of the case are that the main accused Ashish Jain and 8 others purchased a land in Raipur jointly. The land was developed and after constructing residential bungalows on it, Ashish Jain sold out all the bungalows to various persons. Some of the bungalows were transferred to the applicants. The allegation is this that the main accused – Ashish Jain forged a power of attorney showing that the remaining 8 joint owners had authorized him and after completing all the legal processes has sold out the property and thus have cheated them.
7. Considered the submissions and the contents of the case diary. As it appears that all the allegations are directed against the main accused- Ashish Jain. Further, the charge-sheet has been filed and there is no requirement of arrest and detention of the applicants for the purpose of investigation, hence for these reasons, both the applicants being women and house wives deserves to be benefited with Section 438 of Cr.P.C.
8. Accordingly, the bail applications filed under Section 438 of Cr.P.C. are allowed. It is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on each of them 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 applicants shall also abide by the following conditions :
 - (i) that the applicants shall make themselves available for interrogation before the investigating officer as and when required;

- (ii) that the applicants 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 applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram