

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 352 of 2017

Shalini Chouhan, D/o. Kunjgopal, Aged About 31 Years, Caste-
Chouhan, R/o. Pirda, Police Station- Malkharouda, District- Janjgir-
Champa, Chhattisgarh

--- Applicant

Versus

State Of Chhattisgarh, Through- District Magistrate, Janjgir, District-
Janjgir-Champa, Chhattisgarh and also Through- Police Station-
Malkharouda, District- Janjgir-Champa, Chhattisgarh

--- Respondent

For the Applicant : Mr. Pushpendra Kumar Patel, Advocate

For the Respondent : Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

31.01.2017

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No.138/2016 registered at Police Station- Malkharouda, District Janjgir-Champa (C.G) for the offence punishable under Sections 419, 420, 467, 468, 120-B, 34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that FIR was registered by the police on a direction of the Judicial Magistrate First Class, Malkharouda on the basis of a complaint under Section 156(3) of Cr.P.C. filed by the complainant Budhwari Bai. It is alleged that the present applicant while the sale deed was executed signed the documents as an attesting witness; thereby she committed the offence alongwith other co-accused.

3. Learned counsel for the applicant would submit that the applicant has not committed any offence and she has been falsely implicated. He further submits that the sale was made by the family members *interse* of the other sellers, therefore, the transaction to the sale was authenticated by the present applicant and other co-accused namely Manoj Kumar Chouhan and Smt. Anita Chouhan who have already been enlarged on bail by this Court on 05.10.2016 in MCRC No.6134 & 6204 of 2016, therefore, the present applicant may also be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail, however, he is not able to dispute the fact that the similarly placed co-accused have been enlarged on bail.
5. Perused the case diary and the documents. Considering the facts and circumstances of the case and the role played by the present applicant and further considering the fact that the charge sheet has been filed and similarly placed co-accused have already been enlarged on bail, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for her appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge