

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 528 of 2017

Smt. Kaleshwari Singh W/o Shri Ramgyan Singh, Aged About 42 Years
Caste Gond, R/o Village Chandanpur, Police Station, Tahsil & District
Surajpur, Civil & Revenue District Surajpur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station
Surajpur, District Surajpur, Chhattisgarh

---- Respondent

For Applicant	:	Shri B.P. Sharma, Advocate.
For Respondent/State	:	Shri Satish Gupta, G.A.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

30/11/2017

Heard.

1. The applicant is apprehending her arrest in connection with Crime No.336/2016 registered at police station – Surajpur, District Surajpur (C.G.) for alleged commission of offence under Section 419, 420, 465, 467, 468, 471, 120-B IPC.

2. Case of the prosecution is that the property of Kailash was sold by Mangal Sai impersonating Kailash. The allegation against the present applicant is that when proceedings for mutation were brought before the Gram Panchayat in its mutation, the applicant allowed mutation in her capacity as Sarpanch and mutation was passed without any enquiry.

3. Learned counsel for the applicant would submit that even if the entire allegation of prosecution is accepted, no case is made out because the applicant at the relevant time was the Sarpanch of Gram Panchayat and she was presiding over the meeting of Gram Panchayat in which, proposal for mutation was placed and resolution passed. Therefore, only on this basis, it cannot be said that the applicant had conspired with the co-accused Mangal

Sai.

4. On the other hand, learned counsel for the State opposes prayer and submits that the applicant was personally fully knowing the identity of Mangal Sai and even thereafter the sale deed on which photograph of Mangal Sai affixed, no enquiry was made and mutation was allowed by way of resolution of Gram Panchayat, all those, signatories to this mutation which includes applicant also. It is also submitted that the Secretary of Gram Panchayat has been granted regular bail only.

5. Taking into consideration the submissions of learned counsel for the parties, particularly taking into consideration the nature of allegation and that the applicant is involved because she happened to be the Sarpanch and presiding over the meeting of Gram Panchayat in which mutation was resolved to be accepted, the application is allowed.

6. Accordingly, it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, she shall be released on bail on her furnishing a personal bond in the sum of Rs.25,000/- along with one local surety for the like amount to the satisfaction of the arresting officer and the applicant shall abide by all the following terms and conditions -

- (i) that the applicant shall make herself available for interrogation by a Police Officer as and when required;
- (ii) that she 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 her from disclosing such facts to the Court or to any Police Officer.
- (iii) that she shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that she 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/-

(Manindra Mohan Shrivastava)

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