

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1204 of 2016

- Smt. Payal Jain W/o Ashish Jain Aged About 35 Years R/o Jal Vihar Colony, Prem Pushpa, House No. 22, Police Station - Telibandha, Raipur Chhattisgarh --- **Applicant**

Versus

- State of Chhattisgarh through Station House Officer, Police Station - New Rajendra Nagar, Raipur Chhattisgarh --- **Respondent**

For the applicant : Mrs. Fouzia Mirza, Advocate.
For the State : Mr. Ashutosh Pandey, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

10.02.2017

1. Apprehending arrest in connection with Crime No. 17/2015 registered at Police Station New Rajendra Nagar, Raipur (C.G) for the offences punishable u/ss 420, 467, 468, 471, 120-B of IPC, the applicant has filed this application u/s 438 of the Code of Criminal Procedure.
2. As per the prosecution case, a complaint was made by Kavita Jain, Anju Jain, Anil Bakliwal and Laxmi Jaiswal that a sale agreement was entered for such land bearing Kh.No.250/5 and 251/07 (new number) and after payment of sale consideration, the lay out was passed wherein the signature of complainants were forged by co-accused Ashish Jain. During investigation, it was found that Ashish Jain has made certain superstructure and sold two flats to the applicant who is wife and other flats were sold in the name of mother Premlata and

brother Vikas on 25.02.2008. Subsequently the same were mortgaged to the Punjab National Bank and India Bulls and again flats were sold to Ashish Jain and Basant Mishra on 17.02.2009, thereby the applicant along-with her husband committed offence.

3. Learned counsel for the applicant would submit that the applicant has been falsely implicated and she is only the purchaser and the entire act was done by her husband and she being the house wife has no idea about such transactions and even otherwise she has not committed any fraud as the main allegations are attributed to co-accused Ashish Jain, therefore, the applicant may be extended to the anticipatory bail.
4. Per contra, learned State Counsel opposes the prayer.
5. Perused the case diary and documents as also the report. It appears that the husband of applicant has executed two different sale deeds in favour of the present applicant. Considering the degree of allegations levelled against the present applicant and the transactions made by her appear to be purely documentary in nature and further considering the fact that the applicant is a domestic lady, I am inclined to allow this bail application.
6. Accordingly, the application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, the applicant 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 officer arresting

her or the concerned Investigating Officer. The applicant shall also abide by the following conditions :-

- (i) that she will make herself available for interrogation before the investigating officer as and when required;
- (ii) that she will 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 any police officer;
- (iii) that she will not act in any manner which will be prejudicial to fair and expeditious trial; and
- (iv) that she will appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.

C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**