

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 2209 of 2017

Kanti Devi, W/o. Shri Sudama Dubey, aged about 75 years, R/o. Village-Khutanpara, Pratappur, Present resident : Nawagarh, Ambikapur, District – Surguja (C.G.).

----Applicant

Versus

State Of Chhattisgarh : Through: the Station House Officer, Police Station – Kotwali, Ambikapur, District- Surguja, Chhattisgarh.

---- Respondent

For Applicant	: Mr. V.K. Pandey, Advocate
For Respondent/State	: Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

05/05/2017

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.632/2016, registered at Police Station – City Kotwali, Ambikapur, District – Surguja (C.G.) for the offence punishable under Section 120-B, 419, 420, 467, 468, 447 and 388/34 of the Indian Penal Code. The first bail application was dismissed on merits vide order dated 02.01.2017 in M.Cr.C.No.7590/216.
2. Case of the prosecution, in brief, is that a report was made by Rajesh Agrawal that in the year 2016, Krishna Rajwade and Janardan Kushwaha along with present applicant agreed to sale the land bearing Kh.No.259/1 admeasuring 0.46 hectare and received an amount of Rs.2,05,000/-. Subsequently, when the sale deed was not executed, notices were exchanged between the parties then it was revealed that the present applicant pretended her as Mankunwar and has executed the sale deed. Thereby the offence has been committed. .

3. Learned counsel for the applicant would submit that the applicant is a lady aged about 75 years and she fell down and has suffered fracture in the neck femur for which she was operated, therefore, she suffered immense problem in the jail, therefore, the applicant may be enlarged on bail.
4. The state counsel was directed to verify the medical report Annexure A/4.
5. The State on verification submits that the applicant fell down and has suffered fracture in the neck femur for which she was operated and was confined to bed thereafter, she was released on hospital. Taking into such fact, considering the age of the applicant and she is lady, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. It is directed that applicant shall be released on bail on her furnishing a personal bond in the 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge