

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 500 of 2017

Subha Jakkanwar W/o Arun Jakkanwar, Aged About 53
Years R/o Plot No. 43 A, Road No. 6, Dixit Colony Bhilai
Nagar, District Durg, Chhattisgarh. --- **Petitioner**

Versus

State of Chhattisgarh Through Station House Officer, Police
Station Pulgaon, District Durg, Chhattisgarh. --- **Respondent**

For the applicant : Mr. Ashish Shrivastava, Advocate.
For the State : Mr. Sangharsh Pandey, Dy. Govt. Adv.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

20.09.2017

1. Apprehending arrest in connection with Crime No. 149/2016 registered at Police Station Pulgaon, District-Durg (C.G) for the offences punishable u/s 420, 467, 468, 471, 120B 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 one Dilip Mahajan, Branch Manager of Dena Bank, Durg on 19.10.2016 that 10 borrowers have obtained loans from the bank on the basis forged title documents and the total amount of Rs. 73,74,462/- was obtained by different borrowers. Subsequently when the investigation was made, it was revealed that the present applicant who is a lawyer by profession has given search reports about the title and non-encumbrance in respect of the lands in question but actually the lands/ property for which the search reports/ legal opinions were given were

not existing at all. Therefore, the applicants at the connivance of borrowers had defrauded the bank.

3. Learned counsel for the applicant submits that on the basis of documents given by the bank, the search in respect of property was made and the search was made according to the documents available in the revenue office and in the office of Sub-Registrar and on the basis of those documents, the search reports/ legal opinions were given. He further submits that it is not a case that the applicant was instrument in making such forged revenue documents such as Rinpustika or B-1, P-2. He placed reliance in case of *Central Bureau of Investigation, Hyderabad Vs. K Narayan Rao (2012) 9 SCC 512* and would submit that at the most the case would fall under negligence and not under any conspiracy. He further submits that no custodial interrogation is required as the applicant is a practicing advocate at Durg and she regularly attends the court and the applicant being a lady may be extended the benefit of anticipatory bail.
4. Per contra, learned State Counsel opposes the prayer and read out the statements available in the case diary.
5. Perused the case diary and the documents. The charge sheet has been filed on 22.06.2017 against the other accused. It appears that almost all the investigation is complete and the fact cannot be ignored that the applicant is a lady advocate practicing at Durg and she has been inculpated only on the basis of search report/ legal opinion given in respect of the properties

mortgaged to the bank.

6. Considering the case diary and the documents and further taking into consideration the facts and circumstances of the case, it appears that limited allegations have been attributed to the applicant and further she being a regular practicing advocate there is no likelihood of her absconding, therefore, I am inclined to admit the applicant to anticipatory bail.
7. Accordingly, the application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, she will 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 will 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