

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 112 of 2018**

- Smt. Rama Sharma W/o Shri Rajendra Sharma Aged About 46 Years R/o Village Kesala, Post Khrora, Tahsil Tilda, District Raipur, Chhattisgarh, Mobile No. 8839546617

---- Applicant

Versus

- State of Chhattisgarh Through Police Thana Nevara Tilda, District Raipur, Chhattisgarh

---- Respondent

For Applicant	:	Ms. Sharmila Singhai, Advocate
For Respondent-State	:	Shri S.K. Mishra, PL for the State

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****06/04/2018**

1. This application under Section 438 of the Code of Criminal Procedure has been filed by the applicant apprehending her arrest in connection with Crime No.80/2017 registered at Police Station Nevara-Tilda, Distt. Raipur (C.G.) for the offence punishable under Section 420, 34 of the I.P.C.
2. As per the prosecution case, a loan was obtained by son of the applicant by creation of mortgage of property which belongs to the applicant by Indian Overseas Bank and Rs.10 Lakhs CC was obtained. Subsequently, it is alleged that the said property was sold to one Satbir Singh. Thereby fraud has been committed.
3. Learned counsel for the applicant would submit that the son has already taken a loan from Satbir Singh and some stamp papers and cheques were given and on the basis of the said papers, power of attorney was executed in favour of one Mahesh Daharia, who is employee of Satbir Singh and thereafter Satbir Singh got the sale deed executed on the basis of the

power of attorney. She would further submit that a suit has already been filed by the present applicant for declaration and cancellation of the sale deed and no offence has been committed by the present applicant. She would further submit that the nature of evidence are documentary in nature and no further custodial interrogation will be required, therefore, the applicant may be given the benefit of anticipatory bail.

4. Per contra, learned State counsel opposes the prayer for grant of anticipatory bail.
5. Perused the case-diary documents. Considering the facts & circumstances of the case and nature of transactions and also taking into the fact that the applicant is a lady and it appears that no custodial interrogation will be required, I am inclined to allow this anticipatory bail application.
6. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant, she shall be released on anticipatory bail on her executing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the arresting officer with the following conditions:-
 - (i) that the applicant shall make herself available for interrogation before the investigation officer as and when required;
 - (ii) that the applicant 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 him/her from disclosing such facts to the Court or to any police officer;
 - (iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
 - (iv) that the applicant shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Sd/-

Goutam Bhaduri
Judge

Ashu