

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 4225 of 2018**

Smt. Mamta @ Babli, W/o. Ashwani Dadsena, Aged About 47 Years, R/o. Sunder Nagar, Amarpuri Chowk, Raipur Tahsil And District Raipur Chhattisgarh.

---- Applicant

Versus

The State Of Chhattisgarh, Through P. S. Amleshwar, District Durg Chhattisgarh.

---- Respondent

For Applicant : Mr. R.K. Pali, Advocate
For Respondent : Mr. Anil S. Pandey, Dy.G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

23/07/2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.111/2017, registered at Police Station- Amleshwar, District – Durg (C.G.) for the offence punishable under Section 420, 120-B of the Indian Penal Code.
2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. Applicant is in jail since 15.03.2018. No case is made out against the applicant on the basis of the material present on record to involve the applicant in the crime in question. Hence, it is prayed that the applicant may be enlarged on bail.

3. On the other hand, the learned counsel appearing for the State opposes the bail application and the submission made in this respect. It is submitted that this applicant has fraudulently sold the government land, which was leased to the complainant, in capacity of power of attorney holder to herself. Hence, she is not entitled for grant of bail.
4. I have heard the learned counsel for the parties and perused the documents placed on record.
5. As per the prosecution case, a complaint has been made by the Bhurwa Ram son of Katharam that the land that was obtained on lease by him and others has been transferred in the name of this applicant on the basis of power of attorney given to the applicant on condition that she will get them some other land in exchange and the promise was not fulfilled.
6. It is a case in which the government land which was leased to the complainant has been transferred without the permission of the Collector as required under Section 165 (6) of M.P.L.R.C. and it appears the Revenue Officers as well as Registration Officers have derelicted in performance of their duties otherwise such registration of sale deed could not have taken place.
7. Presently the charge-sheet has been filed and no purpose would be served, if the applicant is kept in detention till the conclusion of trial, hence for this reason, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.

9. It is directed that the applicant shall be released on bail on her furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge