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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4852 of 2018**

Santoshi Kashyap W/o Rammilan @ Ramkrishna Aged About 33 Years R/o Near Nag-Nagin Talab Bahatarai, Police Station Sarkanda, Tahsil, Civil And Revenue District Bilaspur, Chhattisgarh, District : Bilaspur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgrh Through Station House Officer Police Station Sarkanda, Tahsil, Civil And Revenue District Bilaspur, Chhattisgarh, District : Bilaspur, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Ratnesh Kumar Agrawal, Advocate.
For the Respondent/State	:	Shri Anil S. Pandey, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****31.07.2018**

Heard.

1. This is the first 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. 524 of 2017, registered at Police Station Sarkanda, District Bilaspur, Chhattisgarh for the offence punishable under Sections 420, 467, 468, 471 and 120B/ 34 of the Indian Penal Code.

2. Learned counsel for the applicant submits that the applicant is in jail since 22.6.2018 and has been falsely implicated in this case. No case is made out against the applicant on the basis of the material placed before the Court by the prosecution. The fact is that the applicant has made use of by the co-accused persons. The applicant herself is a very poor person and she

has no capacity to purchase a land of worth Rs.21,80,000/- as the applicant is holder of BPL Card. The applicant herself was induced by the main accused persons to appear before the Registration Officer regarding which she has no knowledge as to what kind of offence has been committed. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect.

4. Heard counsel for both the parties and perused the case diary.

5. The case against the applicant is that the main accused persons Dashrath Sahu and Others prepared a forged power of attorney in the name of complainant – Pratibha Mishra and made use of the same to execute the sale deed in which the applicant was made a purchaser. Soon after the registration of the sale, the property in question was again sold out to Power Tech Company for Rs.38,88,000/-.

6. As it appears that the applicant was not herself benefited from any of the proceedings of the sale transactions, it also appears that she has been made use of in commission of offence. Hence, for these reasons, the bail application is allowed.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicant shall be released on bail on 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. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge