

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 957 of 2018**

Smt. Pramila Mishra, W/o. Rajnaryan Mishra, Aged About 46 Years, R/o.-
P.W.S. 504, Vaishali Nagar, Bhilai, Police Station Supela, Tahsil and
District- Durg, Chhattisgarh.

----Applicant**Versus**

The State Of Chhattisgarh, Through- The Police Station Supela, District-
Durg, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Malay Kumar Bhaduri, Advocate
For Respondent/State	: Mr. Anupam Dubey, Dy. G.A.
For Objector	: Mr. Narendra Mehar, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****10/09/2018**

1. Apprehending arrest in connection with Crime No.591/2018, registered at Police Station – Supela, District – Durg (C.G.) for offence punishable under Section 420, 467, 468, 471 of the Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. The applicant is house wife and has not indulged in any of the transaction that has taken place 30 years prior to the lodging of FIR. The entire allegation is against the main accused Deep Narayan, who is father-in-law of this applicant. The complainant herself executed sale deed in favour of this applicant to which she wrongly denying at this stage. No case is made out against the applicant according to the material present in record. Hence, for this reason, it is prayed that the applicant may be enlarged on anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect. It is submitted that in the written complaint filed by the complainant Nirmala Devi Mishra, it is stated that one house in M.P. Housing Board in Vaishali Nagar was purchased in the name of the complainant by her husband, regarding which registered sale deed was executed. As the husband of the complainant expired and she got compassionate appointment, hence, she left the house in charge of Deep Narayan Mishra, who happens to be older brother of the husband of the complainant. Later on she has come to know that co-accused – Deep Narayan Mishra had by forgery executed the sale deed in favour of the applicant on 15.10.1996 and thus the complainant has been evicted from her house.
4. Counsel for the objector adopting the arguments advanced by the learned counsel for the State submits that according to the evidence i.e. present in the case diary and for the reasons that widowed woman has been cheated in this case, hence, the applicant is not entitled for grant of anticipatory bail.
5. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
6. Considered on the entire material present in the case diary. According to the material present in the case diary, it appears that the complainant herself has filed an application before housing board for permission to sale out her property to this applicant and the sale deed also shows that executent as complainant herself, which is now been challenged by lodging of FIR. Hence, looking to the evidence i.e. proposed in this case for the prosecution of the

applicant in this case, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.

7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
8. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, she shall 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 concerned Investigating Officer. The applicant shall also abide by the following conditions :
 - (i) that the applicant shall make herself available for interrogation before the investigating 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 her by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge