

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 344 of 2017**

Smt. Shweta Thakur D/o Rajesh Thakur, Aged About 35 Years R/o 201
G. T. Heights, Shanker Nagar, Raipur, District Raipur Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Police Station Purani Basti, Raipur,
District Raipur Chhattisgarh.

---- Respondent

For the Applicant	:	Shri T.K. Jha, Advocate.
For the Respondent/State	:	Shri Anupam Dubey, Dy. G.A.
For the Objector	:	Shri Rajesh Tiwari, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****24.01.2018**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.
2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicant who is apprehending arrest in connection with Crime No. 380 of 2016, registered at Police Station – Purani Basti, Raipur, District – Raipur, Chhattisgarh for the offences punishable under Section 420 of the Indian Penal Code.
3. It is submitted by counsel for the applicant that the applicant is innocent and has been falsely implicated in this case. Complainant – Piyush Jha, is the uncle of the applicant, who had given a power of attorney in favour of this applicant. Rajesh Thakur is the co-accused person in this

case. The applicant and the co-accused had no knowledge about the cancellation of power of attorney, because of which the sale deed was executed. Presently, a compromise has been entered between the applicant and the co-accused person with complainant – Piyush Jha. It is further submitted that co-accused – Rajesh Thakur has been granted anticipatory bail in M.Cr.C.(A) No. 1265 of 2016 vide order dated 9.3.2017 by the Coordinate Bench of this Court. Hence, it is prayed that the applicant be benefited with grant of anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect.

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

6. The case against the applicant is that complainant – Piyush Jha had executed power of attorney authorizing this applicant and co-accused Rajesh Thakur for selling out his property situated at Shankar Nagar, Raipur on 19.5.2014. Subsequently, the complainant cancelled the said power of attorney by the registered deed on 28.7.2014 and a publication was made in this respect. Later on, sale deed was executed on 10.11.2014 by this applicant using the same power of attorney, despite the fact that it was cancelled by the complainant.

7. Considering the submissions and the contents of the case-diary, the reference made to compromise between the accused persons and the complainant is mentioned in the order passed in M.Cr.C.(A) No. 1265 of 2016 dated 9.3.2017 as the fact that the co-accused person in this case

similarly situated has been granted bail by the Co-ordinate Bench of this Court, I am of the considered view that the present is a fit case where the applicant should be benefited with grant of anticipatory bail.

8. Accordingly, the anticipatory bail application is allowed and 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. She 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 them 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.'

Sd/-

(Rajendra Chandra Singh Samant)
Judge