

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 6411 of 2018

- Ben Bai Banjare W/o Late Mayaram Banjare Aged About 68 Years R/o Bhatgaon, Police Station Mujgahan District Raipur.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station - Mujgahan, District Raipur Chhattigarh.

---- Respondent

For Applicant	: Shri Navin Shukla, Advocate.
For Respondent/State	: Shri Sangharsh Pandey, Dy. GA.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

12/10/2018

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as she is arrested in connection with crime No. 29/2017, registered at Police Station Mujgahan, District Raipur (C.G.) for the offence punishable under Sections 420, 419, 467, 468 & 471 of the Chhattisgarh Excise Act.
2. As per the prosecution story, complainant Fatkan Bai lodged a report on 14.02.2017 stating that the present applicant along with other co-accused persons have cheated and made false registry of the land bearing Khasra No. 388/2 area 0.259 acres. It was further alleged that the said land was purchased by the present applicant. On the basis of said report, offence has been registered against the present applicant and another co-accused. During course of investigation, applicant taken on custody on 06-08-2018.
3. Learned counsel appearing on behalf of the Applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that there was a civil dispute between Fatkan Bai and

brothers of the co-accused Kamla Bai Gilhare since last 40 years due to which false report has been made by the complainant. He further submits that applicant is the *bonafide* purchaser of the said land, therefore, no offence has been made out against the present applicant. Applicant is a lady aged about 68 years, she is in custody since 06.08.2018 and trial will take some time. Therefore, she may be released on bail.

4. Per contra, learned counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned Counsel for the parties.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that the applicant has only purchased the disputed land from the co-accused Smt. Kamla Bai Gilhare and Smt. Kamla Bai Gilhare has already granted benefit of bail by this Court vide order dated 20.08.2018 passed in M.Cr.C. No. 5439/2018, present applicant is in custody since 06.08.2018 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release her on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the applicant shall be released on bail on executing a personal bond for a sum of Rs. 20,000/- with one local solvent surety for the like sum to the satisfaction of the Trial Court for her appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)

Judge