

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1438 of 2018

- Smt. Purnima W/o Shri Shantilal Satnami, Aged About 33 Years, R/o Jarhabhata, P.S. Civil Lines, Teshil Bilaspur, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- The State Of Chhattisgarh Through The Station House Officer, Police Station Civil Lines, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Non-applicant

For Applicant – Ms. Shivali Dubey, Advocate.

For Non-applicant/State – Mr. Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

04-12-2018

1. Apprehending arrest in connection with Crime No.487/2018, registered at Police Station – Civil Lines District Bilaspur, Chhattisgarh for offence punishable under Section 419, 420, 467, 468, 471, 120(B) of the IPC along with 3 (9)(5) of Atrocity Act, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. The applicant is one of the co-owners of the sale deed dated 21-03-2008 which is now put to question by complainant Gajanand Ratrey after passing of so many years. The co-owner Sukreet who is stated to be not present at the time of execution and the execution was completed by impersonation, he himself has not raised any dispute or made any complaint in this respect. Hence, no case is made out against this applicant. Therefore, it is prayed that the applicant may be benefited with grant of anticipatory bail.
3. Learned counsel for the State/non-applicant opposes the application submitting that there is evidence present in the case diary that this applicant

has collaborated in the execution of the fraudulent sale deed, hence, her application may be rejected.

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

5. According to the case against the applicant, one sale deed was executed by Sukreet, Purnima and others in favour of Madanlal Agrawal on 21-03-2008. After passing of about 9 years complainant Gajanand Ratrey claiming to be co-owner of the land transferred filed a complaint before the concerned Court which has directed for registration of the FIR and investigation of the case. Hence, this case.

6. After perusing the contents of the case diary, it appears that in the investigation so far it has not been ascertained whether the signature or thumb impression of the said Sukreet on the sale deed belongs to the original person or fake person. Also, for the reason that similarly placed co-accused persons Hemant Kumar Patanwar, Anil Mishra and S.L. Bhatri have been granted anticipatory bail by this Court, further, the dispute has been raised after passing of about 9 years, hence, for these reasons, I feel inclined to allow this application.

7. Accordingly, the anticipatory bail application is allowed. 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.

8. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge