

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 436 of 2019**

Smt. Bhavana Pansari W/o Gulab Chand Pansari Aged About 47 Years (Wrongly Mentioned As 39 Years), R/o Durga Chowk, Ward No. 37, Bramhan Para, District Rajnandgaon Chhattisgarh., District : Rajnandgaon, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Kotwali, District Rajnandgaon Chhattisgarh. (As Per F.I.R.), District : Rajnandgaon, Chhattisgarh.

---- Respondent

For the Applicant : Shri Abhishek Sharma, Advocate.
For the Respondent/State : Shri I. Lakra, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****27.03.2019**

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. 91 of 2019 (wrongly mentioned as 19/2019 in the order sheet), registered at Police Station Kotwali, District Rajnandgaon, Chhattisgarh for the offence punishable under Sections 419 and 420/ 34 of the Indian Penal Code.

3. It is submitted by counsel for the applicant that the applicant 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 applicant is a bona-fide purchaser of the land for which she has paid the consideration price to the seller. The allegation made by the complainant that the sale has been made by some impersonator is totally false and baseless. The sale-deed is of year 2012 and the FIR has been lodged on 14.2.2019 for due deliberation and concoction just for the purpose of making some extortion from the applicant. Hence, it is prayed that the applicant be enlarged on anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that according to the evidence present in the case-diary, no case is made out for grant of anticipatory bail to the applicant.

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

6. Complainant – Ramesh Kumar has lodged FIR on 14.2.2019, the allegation is that he was the owner of the property which has been fraudulently purchased by the applicant. The papers of the said property were missing and when he came to know about the fraudulent sale-deed he lodged the FIR.

7. There is no explanation regarding the delay in lodging the FIR of about 7 years, finding out that the land belonging to the complainant has been

fraudulently sold and there is registered sale-deed in favour of the applicant in which it is mentioned that she has paid the consideration price, therefore, I feel inclined to grant anticipatory bail to the applicant.

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