

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****M.CR.C.(A). No. 940 of 2019**

Janki Ratre, W/o. Nishant Chandra Ratre, Aged About 26 Years,  
Occupation -Sarpanch And Housewife, R/o Village Danganiya, Tahsil  
Dhamdha, Police Station -Dhamdha, District- Durg, Chhattisgarh.

**----Applicant****Versus**

State Of Chhattisgarh, Through : Police Station, Dhamdha, District- Durg,  
Chhattisgarh.

**---- Respondent**


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| For Applicant        | : Mr. Ganesh Ram Burman, Advocate |
| For Respondent/State | : Mr. Vikram Dixit, G.A.          |

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant****Order On Board****02/08/2019**

1. Apprehending arrest in connection with Crime No.04/2019, registered at Police Station – Dhamdha, District – Durg (C.G.) for offence punishable under Section 420, 467, 468, 471, 34 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. No case is made out against the applicant regarding commission of offence as alleged. In capacity of Sarpanch, she has simply forwarded some names with recommendation for grant of land on Patta. The Patta was then prepared by the Revenue Officers and it was their duty to verify whether beneficiaries were residents of locality or not. The other co-accused persons Saurabh, Patwari has been granted anticipatory bail and Kundan Lal Sharma and Manoj Kumar, revenue officers have been granted regular bail by this Court.

Therefore, it is prayed that the applicant may also be granted 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 because of erroneous recommendations, which were deliberate, made by this applicant, Patta has been issued in the name of the persons, who were not entitled for the same, therefore, the case is made out against the applicant, therefore, she is not entitled for grant of anticipatory bail.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. According to the prosecution case, this applicant recommended for issuance of Patta for residential to the beneficiaries under the government scheme. It was later on discovered that out of 25 Pattas issued to the persons, 10 persons were not entitled for the same. Hence, this case.
6. Considered the submissions made and the contents of the case diary. The State is vested with power to cancel the Patta, which has been erroneously issued. Further the evidence is not present in the case diary whether any amount has passed in the said grant of Patta and whether this applicant has been benefited from the same, therefore, looking to the facts and circumstances of the 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