

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRCA No. 973 of 2019**

- Smt. Indu Mishra, aged about 57 years, wife of Madhusudan Mishra, Occupation - Housewife, resident of Prayag Kunj, Santoshi Nagar, Police Station - Tikrapara, Raipur, District Raipur (C.G.)

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

- State of Chhattisgarh - Through : The Station House Officer, Police Station Gole Bazar, Raipur, District Raipur (C.G.)

**---- Respondent**


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For Applicant : Shri C.R. Sahu, Advocate.  
For Respondent. : Shri Rahul Mishra, Dy. G.A.

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**Hon'ble Smt. Justice Rajani Dubey****Order on Board****30/07/2019**

1. This application under Section 438 of the Code of Criminal Procedure has been filed by the applicant who is apprehending her arrest in connection with Crime No.217/2018 registered at Police Station Gole Bazar, Raipur, District Raipur (C.G.) for commission of the offence punishable under Sections 420, 467, 468, 471, 120-B/34 IPC.
2. Case of the prosecution is that, on 10.12.2002 complainant Ashok Kumar Verma lodged a report in police station Gol Bazar alleging therein that he obtained loan of Rs.1,00,000/- from co-accused Madhusudan Mishra, who is stamp vendor, and to secure loan he gave rin pustika of agricultural land, 5 blank cheques, 5 blank hundi letters, 4 blank stamp paper of Rs.50/-, 2 blank stamp paper of Rs.20/- and 2 blank stamp paper of Rs.5. It has been further alleged that on

28.01.2004, the complainant repaid the entire loan amount along with interest and demanded his papers back, which was denied by co-accused Madhusudan Mishra. It has been also alleged that co-accused Madhusudan Mishra prepared forge sale agreement of agricultural land by his wife Indu Mishra, the applicant, to be sold to Santosh Yadav. Based on this, offence was registered against the present applicant under Section 420m 466, 467, 471, 120-B/34 IPC and Section 4 of Chhattisgarh Protection of Debtors Act.

3. Learned counsel for the applicant submit that the present applicant is lady and falsely implicated in this case. He further submits that the money transaction was made in the year 2001 and the agreement was executed in favour of applicant on 09.12.2002 and, thereafter, a civil suit was filed, but the complainant has lodged false and frivolous report against the applicant and her husband after more than 16 years, which itself reveals that the applicant and her husband have been falsely implicated by the complainant. He also submits that the documents have already been seized by the police and the applicant is not required for any physical interrogation, therefore, arrest of the applicant will not serve any fruitful purpose.
4. Counsel for the State however opposes the application for anticipatory bail.
5. After hearing counsel for the parties and considering the facts and circumstances of the case, in particular that documents have been seized, her physical interrogation is not required and further considering the fact that the applicant is lady,

this Court is of the considered opinion that it is a fit case to grant anticipatory bail to the applicant. Accordingly, the application is allowed. It is directed that in the event of arrest of the applicant in connection with aforesaid crime number, she shall be released on bail on her furnishing a personal bond in the sum of Rs.1,00,000/- with one surety for the like sum to the satisfaction of the concerned arresting/investigating officer or the court concerned, as the case may be, with the following terms and conditions:

- (i) that the applicant shall make herself available for interrogation before the concerned 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 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.

Sd/-

**(Rajani Dubey)**  
**Judge**