

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1113 of 2019

- Angelina Gir W/o Shri S. Gir, Aged About 64 Years Caste - Gir, R/o Saila Road Pali, Police Station And Tahsil - Pali, District - Korba Chhattisgarh., District : Korba, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through - State Of Chhattisgarh, Police Station - Balco Nagar, District - Korba Chhattisgarh., District : Korba, Chhattisgarh

---- Non-applicant

For Applicant : Mr. Dharmesh Shrivastava, Advocate.

For Non-applicant : Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board

13.09.2019

1. This is first application for grant of anticipatory bail under Section 438 of the Cr.P.C. preferred by the applicant.
2. The applicant is apprehending her arrest in connection with Crime No. 205/2019 registered at Police Station- Balco Nagar, District - Korba (C.G.), for offence punishable under Sections 193, 199, 420 of the Indian Penal Code.
3. Case of the prosecution, in brief is that applicant is the widow of late S. Gir. During their wedlock Shailesh Gir was born. During the wedlock of Shailesh Gir and complainant Versha Rani Charan, Ku. Vinshi Gir born. Complainant Versha Rani Charan gave an application under Section 156(3) Cr.P.C. to JMFC, Korba alleging that applicant got mutated the land of the deceased S. Gir giving an affidavit that except her nobody is legal heir of the deceased S. Gir. On the order of the JMFC a case under Section 193, 199,

420 IPC has been registered against the applicant who is the mother in law of the complainant.

4. Learned counsel for the applicant submits that the applicant has no criminal background. She is innocent and has been falsely implicated in the present case, therefore, she shall be granted anticipatory bail.

5. On the other hand, learned counsel for the State opposes the bail application, however there is no criminal antecedent against the applicant.

6. Looking to the above mentioned facts and circumstances of the case, looking to this fact that prima facie there is civil dispute between applicant and complainant, applicant is a 64 years old woman, this Court is inclined to give benefit of Section 438 of the Cr.P.C. to the present applicant.

7. Consequently, the MCRCA 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 concerned police officer as and when required;

(ii) that the Applicant shall not, directly or indirectly, make any inducement, threat undue influence to the prosecution witnesses.

(iii) the Applicant shall appear before the trial Court by 11 am on each and every date given to her by the said Court till disposal of the trial.

9. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE