

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1608 of 2018

1. Smt. Falora Kujur W/o Shri L. Kujur, Aged About 70 Years, R/o Dr. Tiwari Gali, Shanker Nagar Mahasamund, Police Station Mahasamund, District Mahasamund Chhattisgarh, District : Mahasamund, Chhattisgarh

---- Applicant

Versus

1. State of Chhattisgarh Through Station House Officer, Police Station Pithoura, District Mahasamund Chhattisgarh., District : Mahasamund, Chhattisgarh
2. Lalbahadur Mahanti S/o Ramanand Mahanti R/o Pithoura, Police Station & Tahsil Pithoura, District Mahasamund Chhattisgarh. (Complainant), District : Mahasamund, Chhattisgarh

---- Non-applicants

For Applicant – Shri Gurudev I. Sharan, Advocate.

For Non-applicant No.1/State – Shri Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

03-01-2019

1. Apprehending arrest in connection with Crime No.92/2018, registered at Police Station – Pithoura, District Mahasamund, Chhattisgarh for offence punishable under Section 420, 467, 468, 471, 120B of the IPC, 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. No case is made out against her, according to the investigation that has been done in this case. The applicant was Deputy Registrar before whom the said sale deed was executed by impersonation, for which this applicant cannot be held responsible. Even if it is assumed that the applicant had derelicted in performance of her duty, it does not come under the definition of crime. Hence, it is prayed that this applicant may be benefited with grant of anticipatory bail.
3. Learned counsel for the State/non-applicant opposes the application submitting that the applicant failed to perform her duty and had facilitated the execution of the fraudulent sale deed, therefore, she is not entitled for grant of anticipatory bail.

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

5. It is alleged that co-accused persons Sindhutanya and Benjamin Sikka manipulated the revenue records showing the Government land as part of a private land, which was then sold out to another co-accused Laxmi Narayan and the sale deed was registered in the office in which this applicant was presiding. Hence, this case.

6. After considering on the entire material present in the case diary, 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