

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 141 of 2020**

- Smt. Neelima Belsariya W/o Shri T. V. Ravi Aged About 34 Years R/o- Village Pallai, Tehsil- Jagdalpur, District Bastar, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station- Kotwali, Jagdalpur, District- Bastar, Chhattisgarh

---- Respondent

For Applicant	:	Mr. Rohit Sharma, Advocate.
For Respondent/State	:	Ms. Hamida Siddiqui, Dy. A.G.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****16/06/2020**

Heard.

1. The applicant is apprehending her arrest in connection with Crime No.409/2019 registered at police station – Kotwali, Jagdalpur (C.G.) for alleged commission of offence under Sections 109, 120(B), 420, 467, 409 of Indian Penal Code.

2. Prosecution allegation is that in order to get huge compensation, the applicant along with the officers of Indian Railway Construction Company conspired to get the proposal of Railway line altered so that the proposed rail line passes through applicant's village Palli and thus it gave rise to Land Acquisition Proceedings, in which, applicant's land was acquired and applicant recieved huge amount of compensation.

3. Learned counsel for the applicant argues that the allegations are not at all made out and they are completely false and fabricated apart from being wholly improbable. His submission is that the prosecution story of applicant conspiring with officers of Indian Railway Construction Company to get the alignment of track of Railway line altered is without any basis whatsoever. He would submit that acquisition of land has taken place under the provisions of Railways Act, 1929 for which purpose, Additional Collector was notified as competent authority. Compensation was not paid by the State Government but by the Central Government authority. There is no allegation of any nature made by the Central Government authorities or the Railway Ministry but the

State Authorities, on its own, without any basis, have registered an offence.

4. On the other hand, learned counsel for the State opposes prayer and submits that none other than the competent authority held an inquiry and found that initially under the project of laying track of Railway lines, it was proposed to pass through Village Kangoli but later on, under conspiracy, alteration was done to involve applicant's village Palli and excluding village Kangoli. In this manner, the applicant and other accused succeeded in getting huge compensation against acquisition of their land.

5. On prima facie consideration, it is found that the offence has been registered against the applicant on the basis of change in alignment in the Railway project. Learned State Counsel could not point out that the Central Government had made any allegation. Further, no specific material pointed out except change of alignment. This Court further find out that two other co-accused under the same crime number, namely-Suresh B Matali and A.V.R. Murty, the officers of Indian Railway Construction Company have already been granted anticipatory bail vide order dated 28.11.2019 passed in MCRCA/1406/2019. Therefore, this Court is also inclined to allow the present application so as to protect the applicant.

6. Accordingly, it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, she shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- along with one local sureties for the like amount to the satisfaction of the arresting officer and the applicant shall abide by all the following terms and conditions -

- (i) that the applicant shall make herself available for interrogation by a Police Officer as and when required;
- (ii) that she 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 her from disclosing such facts to the Court or to any Police Officer.
- (iii) that she shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that she 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/-
(Manindra Mohan Shrivastava)
Judge