

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 537 of 2020**

Mehtarin Bai alias Khemin Bai D/o Late Yashwant Lal Chandrakar W/o Late Kumar Chandrakar alias Motiram Chandrakar, aged about 70 years R/o Village Belsonda Mahasamund, Tehsil and Village District Mahasamund (C.G.)

---- Applicant

Versus

State of Chhattisgarh through District Magistrate, Durg, District Durg (C.G.).

---- Respondent

For Applicant	:	Mr. B.P. Singh, Advocate
For Respondent	:	Ms. Hamida Siddique, Dy. Advocate General

Hon'ble Shri Justice Arvind Singh Chandel

Judgment on Board

22/06/2020

1. The matter is heard through video conferencing.
2. The applicant has filed this application under Section 438 of the Cr.P.C for grant of anticipatory bail as she is apprehending her arrest in connection with Crime No. 229/2020 registered at police station – Outpost Padmanabhpur, P.S. Durg District Durg (C.G.) for the offence punishable under Sections 420/34 of the Indian Penal Code.
3. On 16/03/2020, a report has been lodged by Complainant Ramashankar with the averments that the land in dispute had been purchased by one Bhikam Lal Chandrakar from Dropathi Bai and Girja Shankar vide registered sale deed dated 24/02/1975. Thereafter, father of the Complainant namely Sadhu Singh had purchased the said land from Bhikam Lal. Initially, the land belonged to one Yashwant Chandrakar. His wife was Ramvati who got died in the year 1964. Out

of their wedlock, two daughters got birth. The present applicant is one of the daughter borned from Ramvati. After death of Ramvati, Yashwant got married with one Dropati and out of their wedlock one son namely Girja Shankar got birth. Since, Dropati and Girja Shankar without the knowledge of the applicant had sold the land to the father of the Complainant in the year 1991, a civil suit for partition was filed by the applicant. In that civil suit, Girja Shankar and Dropati Bai, concealing the fact that the land has been sold to the father of the Complainant, had admitted the title of present applicant in that civil suit and obtained a decree in their favour. Without giving any information or notice to the applicant, the civil suit was filed and decree was obtained, therefore, a report has been lodged by Ramashankar. On the basis of that report, offence has been registered.

4. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated. Prima-facie no offence is made out against the applicant. Virtually in the year 2012, Ramashankar had filed a suit for declaration and injunction regarding the land in dispute, but it was dismissed vide judgment dated 05/10/2012, thereafter, by concealing this fact, after 8 years a false and fabricated report has been lodged by Ramashankar. He further submits that the entire matter is of civil nature. The applicant is old lady aged about 70 years and she is suffering from various disease, therefore, he prays to extend the benefit of anticipatory bail.
5. Learned counsel appearing on behalf of the State opposes the said application.
6. I have heard counsel for the parties.

7. Considering the facts and circumstances of the case and the argument advanced by counsel for the parties, particularly considering that the civil suit preferred by the Complainant was already dismissed in the year 2012 and after 8 years of that, an FIR has been lodged by him, without further commenting on other merit of the case, I am inclined to release the applicant on anticipatory bail.
8. Accordingly, the anticipatory bail application is allowed.
9. It is directed that in the event of arrest, the applicant shall be released on bail on furnishing a bond in the sum of Rs.10,000/- with one surety for the like sum to the satisfaction of the officer arresting her and she shall abide by all the following terms and conditions:
 - i. That, the accused/applicant shall make herself available for interrogation before the concerned Investigating Officer as and when required;
 - ii. The accused/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. The accused/applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
 - iv. 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.
10. Certified copy, as per rules.

Sd/-
(Arvind Singh Chandel)
Judge