

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6719 of 2020

Shashi Jaiswal, D/o Hanuman Prasad Jaiswal, aged about 62 years, R/o Patna,
P.S. & Tehsil – Patna, District- Koriya (CG)

---- Applicant

Versus

State Of Chhattisgarh Through Thana Incharge, Kotwali, Ambikapur, District-
Surguja (CG)

---- Respondent

For Applicant	:	Shri G.R. Miri with Shri Basant Kaiwartya, Advocates
For State	:	Shri Dinesh Tiwari, Dy. Govt. Advocate

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

09/11/2020

Heard.

1. The applicant is arrested in connection with Crime No.578/2018 (wrongly mentioned as 578/20) registered in Police Station –Kotwali, Ambikapur, District- Surguja (CG) for alleged commission of offence under Sections 420, 467, 468, 471 IPC.
2. Case of the prosecution, in brief, is that the applicant, not being the owner and possession holder of the agricultural land, stood as a surety in the matter of grant of bail to another person.
3. Learned counsel for the applicant would submit that present is not a case of cheating but is a case of bonafide assumption of title over the property in respect of which the applicant stood surety in a case. He would submit that another relative got initiated another revenue proceeding to claim the property and some order was passed in his favour which was not known to

the present applicant, therefore, the applicant always, on bonafide belief, claimed that she is owner and title holder of the property. Therefore, she may be granted bail.

4. On the other hand, learned counsel for the State opposed the bail application by submitting that even though the applicant was not having the title and her name was struck out from the revenue records, she stood as surety, therefore, this amount to cheating in the Court proceeding and is a serious matter.
5. It appears that in the present case, the applicant has been involved on the ground that on the date when the applicant stood as surety, the applicant was claiming the property to be of her own and her name was also recorded in the revenue records, but, subsequently, it was changed in some proceedings drawn at the instance of complainant without the notice of the present applicant. Therefore, taking into consideration the aforesaid circumstances, particularly taking into consideration the age of the applicant that she is about 62 years of age and further that investigation is complete and charge sheet has been filed and the applicant is in jail since 10.9.2020, I am inclined to allow the application.
6. The application is accordingly allowed. It is directed that the applicant shall be released on bail on her furnishing a personal bond in the sum of Rs.25,000/- along with one local surety for the like amount to the satisfaction of the concerned trial Court with following further conditions:-
 - (i) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (ii) 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/-
(Manindra Mohan Shrivastava)
Judge