

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 148 of 2021**

Anuja, D/o. Surjan, aged about 24 years, R/o. Shankargarh, P.S.
Shankargarh, District – Balrampur – Ramanujganj (C.G.)

----Applicant**Versus**

State of Chhattisgarh, Through : the Station House Officer, Police Station
– Shankargarh, District – Balrampur – Ramanujganj (C.G.)

---- Respondent

For Applicant	: Mr. Jitendra Shrivastava, Advocate
For Respondent/State	: Mr. Adil Minhaj, Govt. Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****17/05/2021**

1. Apprehending arrest in connection with Crime No.52/2015, registered at Police Station Shankargarh, District – Balrampur - Ramanujganj (C.G.) for offence punishable under Section 420, 467, 468, 471, 120-B of the Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. She is the bonafide purchaser of the property. There had been no allegation in the FIR against this applicant and neither she was prosecuted earlier. However, later on, on the basis of the statement given by the complainant in the Court, the applicant has been incorporated as an accused under Section 319 of Cr.P.C. Similarly placed co-accused person Rupesh Agrawal has been granted anticipatory bail

by the Coordinate Bench of this Court in M.Cr.C.(A) No.2020 of 2019, by order dated 09.03.2020. Hence, it is prayed that the applicant may be benefited with grant of anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submission made in this respect. It is submitted that this applicant is the ultimate beneficiary of the sale transaction, which was fraudulently executed by the co-accused person by impersonating the complainant, therefore, she has been rightly made accused in this case and she has no entitlement for grant of anticipatory bail.
4. I have heard the learned counsel for the parties and perused the case diary and the documents.
5. The brief facts of the case are this that the property of the complainant – Fulchand Lakra was sold to this applicant, in which, co-accused Pullikar impersonated as Fulchand Lakra and the other co-accused persons identified him as the original land holder. Co-accused Rupesh Agrawal, who has negotiated the sale, it is alleged that he has made Benami purchase of this property.
6. Considered on the submissions and the facts present in the case. Taking into consideration this fact that the co-accused person Rupesh Agrawal has been granted anticipatory bail by the Coordinate Bench of this Court and the case of the applicant is also appears to be similar, hence for this reason, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.
7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. 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 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Vacation Judge