

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1916 of 2021

Smt. Indu Mishra W/o Madhusudan Mishra, aged about 58 years R/o Prayag Kunj, Santoshi Nagar, Tikrapara, Distt. Raipur (C.G.).

---- Applicant

Versus

State of Chhattisgarh P.S. Civil Lines, Distt. Raipur (C.G.).

---- Respondent

For Applicant : Mr. Akash Kumar Kundu, Advocate
For Respondent : Mr. Dinesh Tiwari, Dy. Govt. Advocate

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

05/04/2021

1. The applicant has preferred first bail application under Section 439 of the Cr.P.C for grant of regular bail as she is in jail since 15/02/2021 in connection with Crime No. 679/2019 registered at Police Station- Civil Lines, Raipur (C.G.) for the offence punishable under Sections 420, 120-B, 201/34 of the IPC.
2. As per the prosecution story the applicant along with her husband had taken the signature of the Complainant on blank paper and misappropriately transferred the land of the Complainant on their name. When the Complainant came to know about this fact, he immediately lodged the report. On the basis of said report, offence has been registered and the applicant was arrested.
3. Learned counsel appearing on behalf of the applicant submits the applicant is an innocent lady and has been falsely implicated in the present case. The applicant has also filed a suit for eviction of the

Complainant from the said property. He further submits that the applicant is an old lady aged about 58 years and she is in jail since 15/02/2021 and trial will take some time, therefore, the applicant may be released on bail.

4. Per contra, learned counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned counsel for both the parties.
6. Looking to the nature of allegations made against the applicant and the fact that prior of this FIR, in 2016 also a complaint was made against the applicant and the police has recorded the same as non-cognizable offence under Section 155 of the Cr.P.C, and further looking to the sale-deed executed in favour of the applicant and the fact that a civil suit is pending before the District Judge and also before the Tahsildar and further that the applicant is in jail since 15/02/2021, she is a lady aged about 58 years, trial is likely to take some time and there is no apprehension of the applicant tampering with the evidence or absconding, without expressing any opinion on merits of the case, I am inclined to release the applicant on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that in the event of applicant executing a personal bond for a sum of Rs. 1,00,000/- with two sureties of Rs. 50,000/- each to the satisfaction of the concerned trial Court, she shall be released on the following conditions:-
 - i. 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 him from disclosing such fact to the Court;

- ii. she shall not act in any manner which will be prejudicial to fair and expeditious trial;
- iii. she shall appear before the trial Court on each and every date given to her by the said Court till disposal of the trial; and
- iv. she shall not involve himself in any offence of similar nature in future or else this order granting bail to the applicant shall automatically stand canceled without further reference to the bench.

Sd/-
(Gautam Chourdiya)
Judge

Rahul