

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 3420 of 2021

- Smt. Rekha Marutkar @ Vinita Dange D/o Lt. Chandra Kumar Marutkar, aged 40 years, R/o 210, Ram Mandir Gali, Firangipara Kota, P.S. Kota,, District Bilaspur, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh, Through the Station House Officer, Police Station Chhuikhadan, District - Rajnandgaon (C.G.)

---- State/Non-Applicant

For Applicant	:	Shri Aditya Pandey, Advocate
For Non-Applicant/State	:	Shri Anand Verma, Deputy Government Advocate

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

11.06.2021

1. The application is heard through Video Conferencing.
2. Admit.
3. With the consent of learned counsel for the parties, the matter is heard finally.
4. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as she is in jail since 21.02.2021 in connection with Crime No. 22/2021 registered in Police Station- Chhuikhadan, District Rajnandgaon (CG) for the offence punishable under Section 420, 467, 468 & 471 read with Section 34 of IPC.
5. Case of the prosecution is that complainant Nandchand Banjare lodged written report at the office of Superintendent of Police, Rajnandgaon, stating that co-accused namely Navin Jain (broker) alongwith present applicant and the other co-accused persons committed fraud and sold the land belonging to other person by saying that they are original owner of the land situated at village Baghmarra admeasuring 4.99 acre for a consideration of Rs.29,04,000/- and for that he (complainant) paid registry stamp duty to the tune of Rs.15,00,000/-.

6. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question, the land in question is ancestral property of the applicant & other co-accused persons and being a coparceners they have sold the property and still the land is there on the spot. In the revenue records and Khasra Map name of minor son Atulya of the complainant is there. The dispute between the parties is only with regard to demarcation of the land. The sale deed executed on 13.08.2018 and FIR was lodged on 25.01.2021.
7. Learned counsel for the applicant further submits that co-accused namely Navin Jain, Basant Rao, Gyaneshwar Marutkar, Deepak Marutkar & Arun Marutkar have been granted regular bail by this Court vide order dated 08.04.2021 passed in M.Cr.C. No. 1217 of 2021 & other connected M.Cr.Cs. He also submits that the applicant is in jail since 21.02.2021, charge-sheet has already been filed and conclusion of the trial is likely to take some time, therefore, the applicant may be released on bail.
8. On the other hand, learned counsel for the State opposes the bail application, however, he submits that the applicant has no criminal antecedent.
9. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, dispute being civil in nature, the fact that in revenue records name of the complainant has been mentioned, dispute between the parties is regarding demarcation of land, names of the applicant and the other co-accused persons excluding co-accused Navin Jain are also mentioned in revenue records, charge-sheet has already been filed, the detention period of the applicant, the fact that the applicant has no criminal antecedent, there is no likelihood of the applicant tampering with the prosecution evidence or absconding, as admitted by both the counsel and conclusion of the trial may take some time, without commenting anything on merits of the case, the applicant is allowed.

10. 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 bail on the following conditions:-

- 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/her from disclosing such fact to the Court.
- she shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- she shall appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.
- she shall strictly follow the COVID-19 protocol issued by the Central Government / State Government / Local Authority.
- she shall not involve herself in any offence of similar nature in future.

11. Let a copy of this order be forwarded to the concerned Police Station forthwith who shall inform the trial Court in the event of applicant involving herself in similar nature of offence.

Sd/-

(Gautam Chourdiya)
Judge