

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1154 of 2021**

Smt. Sangeeta Goldar D/o Shri Sameer Goldar, Aged About 30 Years, R/o Purani Basti, Raipur, Tahsil and District Raipur Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh Through The Station House Officer, Police Station Purani Basti, District Raipur Chhattisgarh.

---- Non-applicant

 For Applicant : Shri Shivendu Pandya, Advocate
 For Non-applicant/State : Shri B.L. Sahu, P.L.

Hon'ble Shri Justice Parth Prateem Sahu**Order on Board****21.09.2021**

1. The applicant has preferred this first bail 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.186 of 2021, registered at Police Station Purani Basti, District Raipur (C.G.), for offence punishable under Sections 292(C) & (F) of the Chhattisgarh Municipal Corporation Act, 1956.
2. Case of the prosecution in brief, is that, applicant was owner of land bearing Khasra No.1265/2 measuring 0.026 hectares situated at Bhatagaon, Raipur. Applicant sold her land to four persons in the year 2020. Report was lodged by Sub Engineer of Municipal Corporation, Raipur making allegations that applicant who is not a colonizer has sold the land illegally by plotting it to number of persons. Based on the written report, aforementioned offence is registered against the applicant.

3. Shri Shivendu Pandya, learned counsel for the applicant would submit that total area of land is only 2800 Sq.Ft. Applicant is lady and has not committed any crime as alleged against her. He further submits that she has sold the land only to meet out the need of money, hence, she may be enlarged on anticipatory bail.
4. Per contra, Shri B.L. Sahu, P.L. for the State opposing the submissions made by learned counsel for the applicant, would submit that applicant has sold the land to four persons, which is an offence under Section 292(C) of the Chhattisgarh Municipal Corporation Act, 1956, hence, she is not entitled for the benefit under Section 438 of Cr.P.C.
5. I have heard learned counsel for the parties.
6. Taking into consideration the facts and circumstances of the case, nature of allegations, applicant has sold 2800 Sq.Ft. of land and submissions made by learned counsel for the parties, without commenting anything into the merits of the case, I am inclined to release the present applicant on anticipatory bail.
7. Accordingly, bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, she shall be released on anticipatory bail on her furnishing a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with one surety in the like sum to the satisfaction of the arresting officer and she shall be abide by the following conditions :-

(i) she shall make herself available for interrogation by a police officer as and when required;

(ii) 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 her from disclosing such facts to the Court or to any police officer.

(iii) she shall not influence the witnesses during pendency of the trial.

Certified copy as per Rules.

Sd/-

(Parth Prateem Sahu)
Judge