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**IN THE HIGH COURT OF MADHYA PRADESH  
AT INDORE**

**BEFORE  
HON'BLE SHRI JUSTICE ANIL VERMA**

**ON THE 31<sup>st</sup> OF AUGUST, 2023**

**MISC. CRIMINAL CASE No. 37623 of 2023**

**BETWEEN:-**

**RADHABAI PAL W/O LATE SRI JAGANNATH PAL, AGED  
ABOUT 65 YEARS, OCCUPATION: HOUSE WIFE R/O 286  
HAMMAL COLONY, BANGARDA ROAD, INDORE.  
(MADHYA PRADESH)**

**.....APPLICANT**

**(BY SHRI L. SHUNONDO CHANDIRAMANI - ADVOCATE)**

**AND**

**THE STATE OF MADHYA PRADESH STATION HOUSE  
OFFICER THROUGH POLICE STATION AERODROME,  
INDORE (MADHYA PRADESH)**

**.....NON APPLICANT**

**(BY SHRI AMIT RAWAL - GOVERNMENT ADVOCATE)**

*This application coming on for admission this day, the court passed the  
following:*

**ORDER**

1. This is the first application filed by the applicant under Section 439 of Cr.P.C. for grant of regular bail relating to Crime No.23/2023 registered at Police Station Aerodrome, Indore (M.P.) for the offence under Section 420, 467, 468 of IPC.

2. As per the prosecution story, complainant has filed a written complaint before the Police Station Aerodrome against the present applicant by stating that aunt of the complainant Shanti Bai purchased a plot No.287, Hammal Colony, Indore from Laxmibai Shramjiwi Hammal Sahkari Grah

Nirman Samiti Maryadit Sanstha in the year 1991 and aunt of the complainant transferred the right of Plot No.287 to the wife of complainant Geeta Bai and after the death of Geeta Bai, complainant is the owner of plot No.287, Hammal Colony. Near plot No.287 of the complainant, Plot No.286 of present applicant Radha Bai is situated having size 19 x 50 feet, total 950 square feet, but the accused did overwriting on the receipt of the plot No.286 and made it 39 x 50 feet, total 1950 square feet and the accused built house over the Plot No.287 of the complainant. On the basis of the said complaint, a case has been registered against the present applicant.

3. Learned counsel for the applicant contended that applicant is innocent and she has been falsely implicated in this matter. She is in custody since 2.5.2023. Applicant is 65 years old lady and belongs to poor family. No ingredients are established against the applicant for committing the offence. The case is based on documentary evidence. Investigation is over and charge sheet has been filed. Applicant is permanent resident of District Indore. Final conclusion of trial will take considerable long time. Hence, he prays that applicant be released on bail.

4. Per-contra, learned GA for respondent/State opposes the bail application and prays for its rejection.

5. Perused the case diary as well as the impugned order of the court below.

6. Considering all the facts and circumstances of the case, arguments advanced by counsel for the parties, nature and gravity of allegation as also taking note of the fact that no sale deed or agreement to sale has been executed on the basis of the aforesaid forged document, investigation is over, therefore, no further custodial interrogation of the applicant is required, applicant is 65

years old lady and already suffered jail incarceration for about 4 months and final conclusion of trial will take considerable long time, I deem it proper to release the applicant on bail.

7. Accordingly, without commenting on the merits of the case, the application is allowed. It is directed that the applicant be released on bail upon her furnishing a personal bond in the sum of Rs.75,000/- with one solvent surety in the like amount to the satisfaction of the trial Court for her appearance before the trial Court, as and when required. She shall abide by the conditions enumerated u/S. 437(3) Cr.P.C.

C.C. as per rules.

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**(ANIL VERMA)**  
**JUDGE**