

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1137 of 2015**

Ishwar Singh Thakur S/o Late Purushottam Singh Aged About 63 Years Occupation Retired Government Employee (Patwari Halka), R/o Tulasipur, Ward No. 17, Rajnandgaon, P.S. City Kotwali, Tahsil & Distt. Rajnandgaon, Chhattisgarh.

---- Applicant

Versus

The State Of Chhattisgarh Through The District Magistrate Rajnandgaon, P.S. City Kotwali, Rajnanadgaon, Distt. Rajnandgaon, Chhattisgarh.

---- Respondent

For applicant – Shri S.C. Verma Advocate.

For Respondent/State – Shri Ramakant Mishra, Dy.A.G.

Hon'ble Shri Justice Goutam Bhaduri**Order**

20/11/2015

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No.435 of 2015, registered at Police Station City Kotwali, Rajnandgaon, District Rajnandgaon (C.G.) for offence punishable under Section 420, 120-B/34 of IPC.
2. According to the case of prosecution complaint was filed by the complainant stating that the present applicant being Patwari has shown certain land to the purchaser/complainant along with seller and after mutation of the name complainant wanted to raise superstructure and wanted to get demarcation of the land, the land there in was not found and the land which was existing belonged to the other person.
3. Learned counsel for the applicant submits that there is no document to connect this applicant with the crime and he submits that name of the applicant has been inculpated. He further submits that initially there might have been some encroachment over the land and on the

basis of the demarcation the offence cannot be stated to have been committed by the applicant. He submits that applicant has retired from the service and considering the documents and the evidence available, he may be enlarged on bail.

4. Learned State counsel opposes the prayer for grant of bail.

5. Entire issue is of about identification of the land of the complainant. Documents shows that the mutation was also made in favour of the complainant in the revenue records and further taking into fact that one of the seller Mohan Shrivastava has already been granted bail in M.Cr.C. No.3715 of 2015, taking into account allegation against this applicant and also for the fact that applicant is retired and the issue is of documentary nature, I am inclined to extend benefit of anticipatory bail to the applicant.

6. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on executing a personal bond in sum of Rs.25,000/- with one local 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 himself 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) the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
JUDGE

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