

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1237 of 2015

Kushal Kumar Singh S/o Shri Rajkaran Singh, Aged About 40 Years R/o Village - Masora, Janakpur, P. S. Janakpur, Th - Bharatpur District Korla (Chhattisgarh)

---- Applicant

Versus

State Of Chhattisgarh Through Police Station, Janakpur, Distt. Korla (Chhattisgarh)

---- Respondent

For applicant – Shri Maneesh Sharma, Advocate.
For Respondent/State – Shri Neeraj Jain, G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

11/12/2015

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No.70 of 2014, registered at Police Station Janakpur, District Korla (C.G.) for offence punishable under Section 420, 409, 34 of IPC.
2. According to the case of prosecution applicant sold 280 quintals of paddy showing that he is in hold of land at village Masora. Applicant do not own any agricultural land in the village.
3. Learned counsel for the applicant submits that applicant is owner of 11.788 hectare of land at village Masora joint with others and his name also mutated in the revenue records. Land were purchased as on 8/11/1988. He relied on the mutation records khasra panchshala which is filed along with the application, therefore he submits that according to declaration it was stated that he was entitled to sell paddy sowed in the field over 8 hectare and applicant was entitled to sell 36 quintals per hectare. He submits that allegation of the prosecution is completely baseless without verification of the documents. He submits that government has mutated land, it does not mean it does not hold any land. Therefore, he submits that applicant may be granted benefit of

anticipatory bail.

4. Learned State counsel opposes the prayer for grant of anticipatory bail and submits that applicant does not hold any land in the village Masore.

5. I have perused the document which is registered sale deed filed along with application and the mutation records prima facie it appears that applicant holds land. Therefore, taking into fact that land have been recorded in the name of the applicant, 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

