

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC(A) No. 996 of 2015**

1. Manisingh S/o Ganesh Ram Aged About 44 Years Caste Gond, Occupation Agriculturist, R/o Village Aakashmar, Police Chowcky Jobi, Tah. Kharsia, Civil And Rev. Distt. Raigarh, Distt. Raigarh Chhattisgarh.
2. Ghanshyam S/o Padumsingh Aged About 46 Years Caste Kanwar, Occupation Service, (Panchayatkarmi Secretary), R/o Village Chirpani, Police Chowcky Jobi, Tah. Kharsia, Civil And Rev. Distt. Raigarh, Distt. Raigarh Chhattisgarh.
3. Jethsingh S/o Peelasingh Aged About 45 Years Caste Kanwar, Occupation Agriculturist, R/o Village Chirpani, Police Chowcky Jobi, Tah. Kharsia, Civil And Rev. Distt. Raigarh, Distt. Raigarh Chhattisgarh.
4. Suksingh S/o Lagansingh Aged About 50 Years Caste Kavar, Occupation Agriculturist, R/o Village Chirpani, Police Chowcky Jobi, Tah. Kharsia, Civil And Rev. Distt. Raigarh, Distt. Raigarh Chhattisgarh.

---- Applicants**Versus**

State Of Chhattisgarh Through Police Chowcky Jobi, Police Station Kharsia, Distt. Raigarh Chhattisgarh.

---- Respondent

For applicants – Shri Sanjay Agrawal, Advocate.
For Respondent/State – Shri Satish Gupta, G.A.

Hon'ble Shri Justice Goutam Bhaduri**Order****27/10/2015**

1. This application under Section 438 of Cr.P.C. has been filed by the applicants apprehending their arrest in connection with Crime No.10 of 2015, registered at Police Station Kharsiya, District Raigarh for offence punishable under Section 420, 120B, 463, 464, 466, 468 & 471 of IPC.
2. Case of the prosecution, in brief is that the applicants fraudulently

passed resolution as Panch and Sarpanch of Gram Panchayat regarding death of Sukhwaro Bai. On that basis, the relatives of Sukhwaro, who was alive, succeeded in getting their name mutated in the records of rights on a false information of death of Sukhwaro Bai.

3. Learned counsel for the applicants submits that the Gram Panchayat proceedings were drawn upon receipt of application for mutation and by beating drums, objections were invited and when no objection was received, Gram Panchayat passed resolution. Therefore, at the most, it can be said to be a case of negligent performance of duty, but not involving any criminality. He further submits that similarly placed co-accused persons have been enlarged on bail by the coordinate bench of this court in M.Cr.C.(A) No.930/2015 by an order dated 22/09/2015.

4. Learned State counsel opposes the bail, however do not dispute the fact that similarly placed co-accused persons have been enlarged on bail in M.Cr.C.(A) No.930/2015 by an order dated 22/09/2015.

5. Taking into consideration the submissions made by learned counsel for the parties and the fact that similarly placed co-accused persons have been enlarged on bail by the coordinate bench of this court in M.Cr.C.(A) No.930/2015 by an order dated 22/09/2015, I am inclined to extend benefit of anticipatory bail to the applicants.

6. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on executing a personal bond in sum of Rs.20,000/- with one local surety in the like sum to the satisfaction of the concerned Investigating

Officer. The applicants shall also abide by the following conditions:-

- (i) that the applicants shall make themselves available for interrogation before the investigating officer as and when required;
- (ii) that the applicants 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 applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) the applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-

(Goutam Bhaduri)

JUDGE