

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C.(A). No. 698 of 2016

1. Vijay Kant Dwivedi, S/o. Late Ramlakhan, aged about 49 years, By Caste- Bramhin, Occupation- Service (Assistant Grade-III), R/o. Shishu Mandir Road, Patthalgaon, Tahsil – Patthalgaon, District – Jashpur (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : SHO, P.S. - Patthalgaon, District – Jashpur (C.G.)

---- Respondent

For Applicant : Mr. Shivendra Bhardwaj, Advocate

For Respondent/State : Mr. Neeraj Sharma, Dy.Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

10/08/2016

1. Apprehending arrest in connection with Crime No.296/2015 registered at Police Station- Patthalgaon, District – Jashpur (C.G.), for offence punishable under Section 420, 467, 468, 471, 120(B) of Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. Case of the prosecution, in brief, is that the applicant was working as clerk in the office of Sub-Registrar at the relevant time when the sale deed dated 12.08.2013 was executed by Chamru in favour of co- accused Manish Agrawal. It is the case of prosecution that Chamru though was not an ab-original tribe the land which belongs to Harihar Singh who is an aboriginal tribe was sold and got the sale deed executed in the name of Chamru and thereafter Chamru executed the sale deed in favour of Manish Agrawal at the connivance of the applicant and co-accused Manish Agrawal.

3. Learned counsel for the applicant would submit that the applicant is only discharging the job of clerk and he could not have refused the registration of the document. It is further submitted that similarly placed co-accused namely R.K. Kripal has already been enlarged on anticipatory bail vide order dated 29.02.2016, passed in M.Cr.C. (A) No.91/2016 and allegation against the present applicant are similar. Therefore, it is prayed that the applicant may also be extended the benefit of Section 438 of Cr.P.C.
4. Per contra, learned State counsel opposes the application for grant of bail, however, do not dispute the fact that similarly placed co-accused has been enlarged on anticipatory bail.
5. I have heard the learned counsel for the parties.
6. Considering the fact that similarly placed co-accused in this case has already been enlarged on anticipatory bail vide order dated 29.02.2016, passed in M.Cr.C.(A) No.91/2016, this Court is inclined to extend the benefit of anticipatory bail to the applicant, as no custodial interrogation may be required in this case.
7. 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 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) that 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