

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C.(A) No. 715 /2016

Titash Banik, S/o. Late Shri S.R. Banik, Aged About 36 Years, Caste Bangali, R/o. Madhuban Para, Raigarh, District Raigarh, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Economic Offence Wings Branch, Raipur, Civil & Revenue District Raipur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Surfaraj Khan, Advocate.

For Respondent : Mr. Neeraj Jain, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

23/09/2016

1. Apprehending arrest in connection with Crime No.50/2016 registered at Economic Offence Wing Branch Raipur, District Raipur (C.G.) for the offence punishable under Sections 420, 467, 468, 471 & 120-B of Indian Penal Code, the applicant has preferred this application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution case, the applicant purchased a government land bearing Khasra No.149/1 admeasuring approx. 5 Acres situated at Village Pilwapali from one Barsan on 30.03.2012; thereby the offence has been committed along-with the other co-accused.
3. Learned counsel for the applicant would submit that the applicant is bonafide purchaser and before purchase, he made all the enquiry about B-1, missal & records of right which shows that the land was recorded in name of Barsan. Consequently, for a sale consideration of Rs.4,29,000/- the amount was paid by cheque and the applicant thereby himself is a victim as he believed the document of records of right; therefore, he may be enlarged on anticipatory bail.

4. Per contra, learned State counsel opposes the prayer for grant of anticipatory bail.
5. Perused the case diary and the documents filed along-with the bail application, which prima facie shows that the land was recorded in name of Barsan. Taking into such fact and the fact that the applicant was a purchaser for a sale consideration and further considering the facts and circumstances of the case, I find it to be a fit case where the benefit of Section 438 of Cr.P.C. can be extended 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 furnishing a personal bond to a 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.

Sd/-
(Goutam Bhaduri)
Judge