

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 943 of 2016**

1. Rajkumar Netam, S/o. Shri Ratnu Ram Netam, aged about 59 years, Caste-Adivasi Gond, Occupation- Service, Deputy Registrar (Revenue), Dongargarh, District – Rajnandgaon (C.G.)

----Applicant**Versus**

1. State of Chhattisgarh, Through : District Magistrate, Rajnandgaon, Police Station Bortalab, District – Rajnandgaon (C.G.)

---- Respondent

For Applicant : Mr. H.B. Agrawal, Sr. Advocate with
Ms. Meera Jaiswal, Advocate

For Respondent/State : Mr. Sangharsh Pandey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****26/10/2016**

1. Apprehending arrest in connection with Crime No.15/2016 registered at Police Station- Bortalab, District – Rajnandgaon (C.G.), for offence punishable under Section 420, 120-B, 34, 467, 468 of Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. As per the prosecution case, the applicant who was working as a Sub-Registrar, wherein certain sale deed were registered in respect of the government land, wherein 22 point enquiry was given by the Patwari and different sale of land was executed and the said land was said to have been government land, however, for sale purchase it was shown to be private land. Thereby the applicant along with other co-accused persons have committed the offence.

3. Learned counsel for the applicant would submit that the applicant was working as Sub-Registrar and on the face of the applicant the applicant has no duty cast to enquire the nature of land and 22 points enquiry satisfy and he can not refuse to register the same. It is further submitted that no offence has been committed by the applicant and he has discharged his official duty. Therefore, the counsel prays that the applicant may be extended the benefit of Section 438 of Cr.P.C.
4. Per contra, learned counsel for the State opposes the application for grant of anticipatory bail.
5. I have heard learned counsel for the parties.
6. Perused the case diary and the documents. Perusal of the document shows that the applicant was working as Sub-Registrar and on the basis of 22 point enquiry report certain land has been registered. Taking into the role played by this applicant and the facts and circumstances of the case, 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