

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C.(A) No. 1296 of 2016

Ramashray Singh S/o Late Bhagirathi Singh, Aged About 49 Years
Caste Gond, Occupation Government Service (Revenue Inspector),
R/o Kedarpur Nagar Ambikapur, District Surguja, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police
Station Lundra, District Surguja, Chhattisgarh.

---- Respondent

For applicant – Shri Rahul Mishra, Advocate.
For Respondent/State – Shri Ashish Shukla, G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

3/03/2017

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No. 18/2013 registered at Police Station Lundra, District Surguja (C.G.) for offence punishable under Sections 420/34 of Indian Penal Code.
2. As per the prosecution case, it is alleged that the applicant when he was posted as Patwar in between the period from 26/10/1998 to 7/12/1999 for village Riri in respect of Khasra No.33, 138/18 to 138/50 which was recorded as forest land, manipulated and recorded it in the name of different villagers which was of area 283.73 hectare. Thereby, false entry were made.
3. Learned counsel for the applicant submits that the applicant was posted for certain period of time and he had handed over the revenue records and he has not manipulated or has not made any wrong mutation. Matter is pending since 2013 and is still under investigation. He submits that other co-accused namely Ravindra Kumar Sharma and Prashant Tiwari have been enlarged on bail vide M.Cr.C.(A) Nos. 488 and

299 of 2013 and case of the applicant is similar to that of the co-accused persons who have been enlarged on bail, therefore applicant may be granted benefit of anticipatory bail.

4. Learned State counsel is not able to dispute the fact that other co-accused namely Ravindra Kumar Sharma and Prashant Tiwari have been enlarged on bail vide M.Cr.C.(A) Nos. 488 and 299 of 2013.

5. Perusal of the case diary would show that matter is still being investigated from 2013. All the documents appear to be documentary in nature. Considering the facts and circumstances of the case and also for the fact that other co-accused namely Ravindra Kumar Sharma and Prashant Tiwari have been enlarged on bail vide M.Cr.C.(A) Nos. 488 and 299 of 2013, 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.

Sd/-

(Goutam Bhaduri)

JUDGE

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