

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRCA No. 44 of 2017**

Geeta Ram Khute S/o Shri Horilal Khute, Aged About 39 Years R/o  
Gram Post Maldakala Tahsil Jaijaipur, Police Station Hasod District  
Janjgir Champa Chhattisgarh

---- Applicant

**Versus**

State Of Chhattisgarh Throgh Police Station Hasod District Janjgir  
Champa Chhattisgarh

---- Respondent

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| For applicant        | Mr. Anurag Dayal, Shrivastava, Adv. |
| For Respondent/State | Mr. U.K.S. Chandel, PL              |
| For Objector         | Mr. Bharat Rajput, Adv.             |

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**Hon'ble Shri Justice Chandra Bhushan Bajpai****Order On Board****07/04/2017**

1. Mr. Bharat Rajput, Adv. has simplicitor filed a memo of appearance but not filed any application for permission to appear on behalf of the objector/ permission to assist the prosecution. With this said objector is neither a party nor permitted to assist the prosecution.
2. Heard finally.
3. The applicant has preferred this application under Section 438, Cr.P.C. for grant of anticipatory bail as he apprehends his arrest in connection with Crime No. 167/2016 registered in PS Hasod, Distt. Janjgir Champa (CG) for offence punishable under Section 447, 379, 34 of IPC.
4. Learned counsel for the applicant submits that the applicant is a lecturer in the government school. The Hasod police has registered offence against the applicant and Horilal, Jyoti, Kheekram. All the above three co-accused persons are arrested and ultimately granted regular bail by the court of Session under Section 439, Cr.P.C. There are allegations that the applicant along with other co-accused persons

made an alleged criminal trespass in the field of complainant Rambai and by cutting the crop stolen paddy crop for Rs. 7,500/-. There is no criminal antecedent of the applicant. There is a civil litigation between co-accused Jyoti and one Aarti with the present applicant, Rambai and another Raju before the Civil Judge Class II, Jaijaipur for declaration of title to restrain present complainant permanently to interfere with the possession of co-accused Smt. Jyoti and another Smt. Aarti. As per the suit averment, co-accused is in possession of the said immovable property. Police till date not filed charge sheet. It is submitted that the applicant will cooperate with the police and appear before it as and when required. He may be granted anticipatory bail in the matter.

5. Per contra, learned State counsel opposed the arguments advanced by learned counsel for the applicant and submits that complainant Rambai on 20-11-2016 lodged report that she is the purchaser of alleged land and the present applicant along with Jyoti, Horilal and Kheekram had cut paddy crop and stolen the same worth Rs. 7,500/-. Looking to the involvement of the present applicant the bail application may be rejected.
6. Perused the case diary.
7. On due consideration, looking to the pendency of civil suit on the alleged immovable property, alleged paddy crop stolen is worth Rs. 7,500/- as per FIR lodged, the other 3 co-accused persons are granted regular bail and as stated that the applicant is a lecturer in government school and no criminal antecedent is reported by Hasod police, I am inclined to grant bail to the applicant.
8. Consequently, instant MCRCA is allowed. In the event of arrest by the concerned police / concerned criminal court in connection with abovementioned crime number, the applicant shall be released on bail

by the officer arresting him on his furnishing a personal bond in the sum of Rs. 20,000/- with one solvent surety of the like sum to the satisfaction of the competent authority. The applicant shall cooperate in the investigation and if the applicant fails to cooperate in the investigation, the matter may be reported to the concerned trial Court. If the concerned trial Court finds that the applicant deliberately without any proper and cogent reason not cooperated with the investigation, the order granting anticipatory bail by this Court shall automatically stand cancelled without further reference under intimation to the Registry. It is also made clear that this order granting bail to the applicant shall stand cancelled automatically without reference to the bench by the Court below if (i) the trial Court finds that the applicant suppressed filing or pendency of any other application for grant of bail before this court or the Hon'ble Apex Court Court intentionally, (ii) the applicant does not cooperate in the trial; (iii) the applicant is found to be involved in any offence of the like nature; (iv) the trial Court finds that the applicant remains absent without any sufficient and cogent reason. If bail is cancelled automatically in view of above, the Court below may proceed further under the provisions of law under intimation.

9. CC as per rules.

**Sd/-**  
**(Chandra Bhushan Bajpai)**  
**Judge**