

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 47 of 2017

1. Indrajeet Sahu S/o Hirderam Sahu, Aged About 65 Years, R/o Ward No. 34, Village- Lakhauli, Thana- Kotwali, Tahsil/District- Rajnandgaon Chhattisgarh.

---- Applicant

Versus

1. State of Chhattisgarh Through- Thana- Dongargaon, District- Rajnandgaon Chhattisgarh.

---- Non-applicant

For Applicant – Shri Samir Singh, Advocate.

For Non-applicant/State – Shri N.K.Mehta, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

12-04-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that offence under Section 420 of the IPC is registered by Dongargaon police, District Rajnandgaon, C.G. as Crime No.268/2016. The applicant is a retired Patwari. There is no any material collected against the present applicant. In the matter the applicant is not the main beneficiary. At the time of the incident he was working as Patwari; the other co-accused performed bore in Govt. land, he has been granted bail by the Sessions Judge Rajnandgaon in bail petition No.755/16 vide order dated 13-12-2016 and the said person had taken the plea that land in question belongs to him. Hence, anticipatory bail may be granted to the present applicant. The applicant is aged about 65 years, is also having health problem.
3. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicant and would submit that the applicant is the main conspirator, it is he who in the capacity of Patwari prepared the paper showing the Govt. land as private land belonging to co-accused Vijay Kumar. Hence, the case of the present applicant who misuse the

authority granted is distinguishable. Therefore, the applicant may not be granted anticipatory bail.

4. Perused the matter.

5. On due consideration, looking to the role of the applicant for preparation of papers which enable the co-accused to take a bore in the Govt. land, I am not inclined to grant anticipatory bail to the applicant. Consequently, the instant MCRCA is hereby dismissed.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE