

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 604 of 2016

- Jagpati Ram Netam s/o. Ramchandra Netam, aged about 49 years r/o. Bazarpara, Farasgaon, PS Farasgaon, District Kondagaon (CG).

---- Applicant

Versus

1. State of Chhattisgarh Through : The District Magistrate, Kondagaon (CG).
2. Smt. Noorjahan Begam w/o. Late Maqbool Ahmed aged about 60 years, r/o. Ishwaripura Ward, Doctor Pathak Gali, near Chabutara Katni, Tesil and Districty Katani (MP).

---- Respondent

For Applicant : Mr. K.K. Dewangan, Advocate

For Respondent/State : Mr. Anupam Dubey, Dy.G.A.

For complainant : None

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

25-01-2017

1. Apprehending arrest in connection with Criminal Complaint Case No. 103 of 2015, registered at Police Station Keshkal, District Kondagaon (CG) for offence punishable under Sections 420, 467, 409, 471 and 120-B of the IPC, the applicant has filed bail application under Section 438 of the Cr.P.C., for grant of anticipatory bail.
2. As per case of the prosecution, complaints have been filed by non-applicant No.2 Noorjahan Begum and her son that on the basis of false documents, Mohammad Abdul Wahid, Mohammad Abul Shahid and Mohammad Sajid got their names mutated along with Noorjahan in connivance with Patwari in respect of the land which belonged to Abdul Saleem and other co-accused were sons of Abdul Shahid. Abdul Saleem and Abdul Samad were brothers.

3. Learned counsel appearing for the applicant would submit that the applicant is a Patwari and on the basis of the order passed by Tahsildar, he has mutated the name and the publication was also made, therefore, the applicant has not committed any offence, therefore, benefit of Section 438 of Cr.P.C., may be extended to the applicant. .
4. Learned State counsel opposes the prayer for grant of anticipatory bail.
5. None representation is made on behalf of the complainant despite service of notice.
6. I have heard learned counsel for the parties, perused the case diary and other documents.
7. Perusal of one documents would show that the order was passed by the Tahsildar to mutate the name in revenue records. It appears that other co-accused persons whose names were recorded, have been granted anticipatory bail vide order dated 17-12-2015 passed by this Court in M.Cr.C.A Nos.932 of 2015, 940 of 2015 and 941 of 2015.
8. Taking into totality of the facts and circumstances of the case, nature of allegations leveled against the applicant and further considering the order passed by the Tahsildar, I am inclined to extend benefit of anticipatory bail to the applicant.
9. 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 his executing a personal bond in the 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 appear before the Magistrate First Class, before whom the private complaint is pending, within a period of fifteen days and shall furnish bail for the amount as may be fixed by the Magistrate.

(ii) that the applicant shall regularly appear before the Magistrate and co-operate in the quick disposal of the private complaint.

(iii) 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 from disclosing such facts to the Court or to any police officer on enquiry.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju