

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C.(A) No. 1039 /2016

Ramdhan Patel, S/o. Aisram, Aged About 60 Years, Caste Patel, Occupation Government Service Patwari, At Present Posted at H.No. 15, Village Chhapora, Tahsil & Police Station Malkharoda, District Janjgir-Champa, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : The District Janjgir Champa, Chhattisgarh.

---- Respondent

For Applicant : Mr. Ishwar Jaiswal, Advocate.

For Respondent : Mr. Anupam Dubey, Dy. Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

12/01/2017

1. Apprehending arrest in connection with Crime No.138/2016 registered at Police Station- Malkharoda, District Janjgir-Champa (C.G.) for the offence punishable under Section 419, 420, 467, 468, 120/34 of Indian Penal Code, the applicant has preferred this application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution case, a case was registered when a direction was issued under Section 156(3) of Cr.P.C. that on the basis of forged affidavit of one Budhyarin Bai, the applicant who was acting as a Patwari has deleted her name who was a joint holder of the land situated at village Barbhata bearing Khasra No.231/1, admeasuring 1.40 acre.
3. Learned counsel for the applicant would submit that the applicant is a Patwari and the concerned resolution was passed by the Gram Panchayat, thereafter, on the basis of such resolution, the name was mutated and there is no occasion to disbelieve the affidavit and the resolution of the Gram Panchayat, which was not made by the

present applicant; therefore, the applicant may be enlarged on anticipatory bail.

4. Per contra, learned State counsel opposes the prayer for grant of anticipatory bail.
5. State counsel was directed to verify the resolution on which the name was mutated. Copy of the said report is filed, which shows that signatures of panch and seals were there. However, after bare perusal of the resolution and the documents, which is produced by police and applicant after *prima facie* comparing the same and taking into totality of the case and the role played by this applicant, I find it to be a fit case where the benefit of Section 438 of Cr.P.C. can be extended 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 furnishing a personal bond to a 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.