

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MISC. CRIMINAL CASE (A) NO. 1396 OF 2016

Ramnarayan Dubey, S/o Kunjal Prasad Dubey, aged 48 years, Caste Brahmin, R/o Village Jamdi, P.S. and Tahsil Bhaiyathan, District Surajpur (C.G.)

... Applicant

Versus

State of Chhattisgarh, through Police Station, Dhaurpur, District Surguja (C.G.)

... Non-applicant

For Applicant	:	Mr. Shakti Raj Sinha, Advocate.
For Non-applicant/State	:	Mr. U.K.S. Chandel, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

18/05/2017

1. The present application has been filed under Section 438 of CrPC for grant of anticipatory bail to the Applicant who is apprehending his arrest in connection with Crime No. 32 of 2015, registered at Police Station- Dhaurpur, District- Surguja, for the offence punishable under Sections 420, 467, 468, 471/34 of IPC.
2. Case of the prosecution against the Applicant is that the Collector, Surguja has made a report against the Applicant on 27.5.2005 wherein there are allegations of the Applicant tampering with the revenue documents particularly Khasra papers showing the government land to be private land for the purpose of providing benefit to the co-accused persons in selling the said property. Based upon the said report, an FIR has been lodged against the present Applicant against which he is apprehending his arrest.
3. Learned Counsel for the Applicant submits that the Applicant is a government servant and his arrest will adversely affect him. He further submits that the order of the Collector has been subjected to challenge

before the Commissioner, Surguja Division and the same has already been stayed on 6.7.2011. He next submits that in spite of there being a specific stay by the Commissioner, the police authorities have registered an FIR against the Applicant. He also submits that the order of the Commissioner specifically brings out the fact that the Applicant was not prima facie responsible for the tampering and it was the then Patwari namely C.L. Lakda who was responsible for the tampering of documents.

4. Perusal of the record as also on submission, learned Counsel for the State submits that the said C.L. Lakda has not been made an accused till now.

5. Taking into consideration the observations made by the Commissioner particularly of the fact that it was not the present Applicant who was prima facie responsible for the tampering and that it was the then Patwari, C.L. Lakda, who was responsible for the tampering, this Court is of the opinion that a prima facie strong case is made out for grant of anticipatory bail.

6. Accordingly, the present application under Section 438 of CrPC is allowed. It is directed that in the event of arrest of the Applicant in connection with Crime No. 32 of 2015, registered at Police Station- Dhaurpur, District- Surguja, for the offence punishable under Sections 420, 467, 468, 471/34 of IPC, if he furnishes a personal bond for a sum of **Rs.25,000/- with one surety** of the like amount to the satisfaction of the concerned arresting/investigating officer or the Court concerned, as the case may be, then he shall be released on bail on the following further conditions :

- (i) that the applicant shall make himself available for interrogation before the concerned 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.

Sd/-

(P. Sam Koshy)
Judge

/sharad/