

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****M. Cr. C. (A) No. 220 of 2017**

Awadh Ram Soni S/o Late Talu Ram Soni, aged about 64 years (wrongly mentioned as Awadh Kumar Soni) Cast Soni, R/o Village Mohala, Post & Tahsil Mohala, District Rajnandgaon, Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh through District Magistrate, Rajnandgaon, District Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicant	:	Shri Amiyakant Tiwari, Advocate
For Respondent/State	:	Shri Niraj Mehta, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order On Board****17/05/2017**

The present application under Section 438 of Cr.P.C. has been filed seeking for grant of anticipatory bail to the applicant apprehending his arrest in connection with Crime No. 20/2016 registered at P.S. BaghNadi, Rajnandgaon (CG) for the offence punishable under Sections 420, 120-B, 467, 468, 471/34 of IPC.

The case as per the prosecution is that the present applicant in the capacity of the Patwari has issued 22 point report to one Thakur Ram for the purpose of sale of the property. According to the prosecution, one Harjinder Singh Bhatiya who is the main accused is said to have impersonated another person as Thakur Ram and obtained the 22 point report from the applicant on the basis of which the property belonging to Thakur Ram has been sold by Harjinder Bhatiya.

Counsel for the applicant submits that the only role attributed against the applicant is of providing 22 point report. According to him, a person in the name of Thakur Ram approached the applicant on the basis of which the said document has been issued. He submits that except for the same, there is no

other role attributed to the applicant.

This aspect is not disputed by the State counsel on verifying the case diary. He, however, submits that the applicant in the capacity of Patwari ought to have verified and identified whether the 22 point report is being issued to the actual Thakur Ram or not.

Considering the nature of allegation levelled against the applicant and the role played by him and also taking into consideration the fact that the applicant has retired from service, this Court is of the opinion that prima facie a strong case for grant of anticipatory bail has been made out.

In the result, the application u/s 438 Cr.P.C. is allowed. It is directed that in the event of arrest, the present applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000 with one surety in the like sum to the satisfaction of the Officer arresting him and he shall abide by all the following terms and 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