

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****M. Cr. C. (A) No. 289 of 2018**

Hajinder Singh Bhatia S/o Sardar Avtar Singh Bhatia, aged about 53 years, R/o Bhudhwari Para, Dongergarh, District Rajnandgaon, Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh through Station House Officer, Bagnadi,
District Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicant	:	Shri Kishore Bhaduri, Advocate
For Respondent/State	:	Shri Shashank Thakur, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****26/04/2018**

The present application under Section 438 of Cr.P.C. has been filed seeking grant of anticipatory bail to the applicant apprehending his arrest in connection with Crime No. 13/2017 registered at P.S. Bagnadi, District Rajnandgaon (CG) for the offence punishable under Sections 420, 467, 468, 471, 120B, 34 of IPC.

2. The case of the prosecution against the present applicant is that he along with other accused persons is said to have purchased a large chunk of government land which was earlier given on lease to landless people and subsequently, the said land has been sold to M/s Mahindra Sponge & Power Ltd. Raipur by the present applicant. The allegation is that the present applicant and other accused persons interpolating the documents and revenue records purchased the property and got it mutated in their names in the revenue records.

3. Counsel for the applicant submits that there are documents in the

case diary which reflect that the applicant has purchased the property after the Patwari had given the necessary documents showing that the property stood in the name of the seller and the property was also mutated in the revenue records in the name of the seller. Even otherwise, taking into consideration the nature of offence, there is no requirement of a custodial interrogation. Moreover, none of the sale deeds which were in the name of the present applicant and which the applicant has sold to the power company has been questioned before any Court of law till date. Thus, for all these reasons, counsel for the applicant sought for grant of anticipatory bail to the applicant.

4. State counsel, however, opposing the bail application submits that the applicant had in fact purchased huge chunk of government land by way of interpolating revenue records in connivance with other accused persons including the government officials in the revenue department and thereafter sold the property to the power company. Thus, the role of the applicant is prominent in the alleged case and therefore he does not deserve to be granted anticipatory bail. Moreover, the investigation is still undergoing. He further submits that there are two other criminal cases reflected in the case diary wherein same nature of offence is said to have been committed by the applicant. However, State counsel fairly submits that the applicant in those cases has already been granted bail.

5. Having heard the entire facts and circumstances of the case and taking into consideration the fact that the applicant had purchased the property on verification from the revenue records where the property stood in the name of the so-called seller, this Court is of the opinion that subject to the applicant co-operating with the police authorities during the course of investigation and trial, he can be granted the advantage of anticipatory bail.

6. In the result, the application u/s 438 Cr.P.C. is allowed. It is directed that in the event of arrest of the present applicant in connection with the aforesaid offence, he will 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 or the Court concerned, as the case may be, with 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