

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 532 of 2018

- Rajkumar Netam S/o Shri Ratnu Ram Netam Aged About 59 Years
Caste- Adivasi Gond, Occupation Service, Sub Registrar (Revenue),
Dongargarh, District- Rajnandgaon, Chhattisgarh., District :
Rajnandgaon, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- District Magistrate, Rajnandgaon,
Police Station Baghnadi, District- Rajnandgaon, Chhattisgarh., District :
Rajnandgaon, Chhattisgarh

---- Respondent

For Applicant : Mr. H.B. Agrawal, Sr. Advocate along with
Mrs. Itu Rani Mukherjee, Advocate.
For Respondent/State : Mr. Anupam Dubey, Dy. Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

21/08/2018

1. This is the second bail application filed by the applicant under Section 438 of CrPC. His first bail application was dismissed on merits.
2. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.20/2016 registered at Police Station-Baghnadi, District – Rajnandgaon(C.G.), for the offence punishable under Sections 420, 467, 468, 471 & 34 of the Indian Penal Code.

3. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. It is submitted that charge-sheet has not been filed against the applicant till date, even after the passing of more than one year since the rejection of earlier application for grant of anticipatory bail. Under these circumstances this Court should make observation that the respondent is not interested in completing the investigation and filing charge-sheet in this case and that there is no requirement of any custodial interrogation of this applicant for the said purpose. Applicant himself is a Government Servant and he is ready to abide by all the conditions and directions, which may be imposed while granting bail to him. Hence, it is prayed that applicant be enlarged on regular bail.
4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that no change in circumstances has taken place since the date of passing of earlier order rejecting the bail application, hence, the application be rejected.
5. Heard the parties and perused the case diary.
6. Earlier bail application of this applicant for grant of anticipatory bail bearing MCrC (A) No.1318/2018 was rejected vide order dated 26.7.2017 on the ground that the matter is at investigation stage. After passing of the order dated 26.7.2017, more than one year has passed and still the investigation is not over.
7. Considering the role attributed to this applicant in this case that he registered the sale-deed presented before him in capacity of sub Registrar, by main accused Harjinder Singh, who with the help of an impersonator who had fraudulently obtained Power of Attorney from

the original owner of the land. It is alleged that this applicant has conspired in the said commission of offence.

8. Considering the material present in the case diary and looking to the fact that the investigation agency, in this case, has not shown any interest in completing the investigation and filing the charge sheet expeditiously, therefore, I am of this view that this is a fit case where applicant should be released on anticipatory bail .
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 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 them by the said Court till disposal of the trial.

Sd/-

(Rajendra Chandra Singh Samant)
Judge