

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 767 of 2018**

Hemant Kumar Patanwar S/o Komal Prasad Patanwar Aged About 47 Years
Caste Kurmi, R/o Ward No. 11, Riddhi Bhawan, In Front Of Royal Palace,
Lingiyadih, Bilaspur Police Station Sarkanda, Tahsil And District Bilaspur
Chhattisgarh, District : Bilaspur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Police Station Civil Line Bilaspur, District
Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh.

---- Respondent

For the Applicant : Shri Mahesh Pandey, Advocate.
For the Respondent/State : Shri Anupam Dubey, Dy. G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****10.08.2018**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.

2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicant who is apprehending arrest in connection with Crime No. 487 of 2018, registered at Police Station – Civil Lines, Bilaspur, District – Bilaspur, Chhattisgarh for the offence punishable under Sections 419, 420, 467, 468 and 471 read with Section 120B of the Indian Penal Code.

3. It is submitted by counsel for the applicant that the applicant is a Patwari and has been falsely implicated in this case. The allegation made against the applicant that he has deleted the name of land owner –

Gajanand Patre, is totally false. The applicant has simply complied with the order passed by the Tehsildar making entries in the revenue record, in which the name of Gajanand Patre was not included. Hence, it is prayed that the applicant be benefited with grant of anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect.

5. Heard counsel for both the parties and perused the case diary.

6. A complaint was filed by Gajanand Patre alleging that co-accused – Manharan Lal has impersonated himself as Sukutram and sold the land bearing Khasra No. 519 admeasuring 1.08 acres to other co-accused with the help of forged documents in which the name of complainant was deleted. It is alleged that the applicant was the person who had deleted the name of the complainant.

7. Considered the entire material present in the case-diary and also perused the copy of the revenue record and the order passed by the Tehsildar, Bilaspur in Revenue Case No. 84/A-6/2007-2008 dated 17.12.2007 and it appears that the applicant has complied with the order passed by the Tehsildar which is also mentioned in the copy of the Record of Rights. After due consideration, I feel inclined to grant anticipatory bail to the applicant.

8. 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 executing a personal bond in 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 them 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/-

(Rajendra Chandra Singh Samant)
Judge