

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 905 of 2018**

Mohd. Shafique, S/o. Late Mohd. Ishaque, aged about 58 years, R/o. Village – Regada, Tehsil & District – Raigarh (C.G.). Permanent Address : Muslim Ganj, Turkapara, Tehsil and District – Raigarh (C.G.). Presently residing at Madhuban Para, Tehsil and District – Raigarh (C.G.)

---Applicant**Versus**

State Of Chhattisgarh, Through : Station House Officer, Chakradhar Nagar, Tehsil and District – Raigarh (C.G.)

---- Respondent

For Applicant	: Mr. Surfaraj Khan, Advocate
For Respondent/State	: Mr. Ashish Shukla, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****05/09/2018**

1. Apprehending arrest in connection with Crime No.91/2018, registered at Police Station – Chakradhar Nagar, District – Raigarh (C.G.) for offence punishable under Section 420 of the Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. The applicant had sold his property to the mother of the complainant on 23.08.2013, subsequent to that sale was cancelled by the Collector of the District for the reasons that sale deed was executed subsequent to the ban imposed before acquisition proceeding,

hence, the name of the applicant was re-mutated for the concerned property. Award has been passed in favour of this applicant, in which the complainant made objection and not succeeding the same has lodged false FIR in this case. Hence, it is prayed that he applicant may also be enlarged on anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. The case against this applicant has been briefly discussed hereinabove. Subsequent to passing of award in favour of the applicant, the complainant has raised objection before the Acquisition Officer, which has not been entertained, hence, this FIR has been lodged.
6. Considered the submissions made and the contents of the case diary. Considering on the peculiar nature of this case, it appears that the complainant has also option to avail civil remedy in this case, hence, after due consideration this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.
7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
8. 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 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram