

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 926 of 2018**

Amit Kumar Barve, S/o. Sahukar Barve, Aged About 30 Years, Occupation Sarpanch, Gram Panchayat Semariya, Police Station Kasdol, District Baloda Bazar- Bhatapara, Chhattisgarh.

---Applicant**Versus**

State Of Chhattisgarh, Through : Station House Officer, Police Station Kasdol, Civil And Revenue District Baloda Bazar- Bhatapara, Chhattisgarh.

---- Respondent

For Applicant : Mr. Santosh Kumar Sahu, Advocate
For Respondent/State : Mr. Rahul Tamaskar, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****30/08/2018**

1. Apprehending arrest in connection with Crime No.317/2018, registered at Police Station – Kasdol, District – Baloda Bazar – Bhatapara (C.G.) for offence punishable under Section 379, 447, 34 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. No case is made out according to the material present in the case diary. Hence, it is prayed that the applicant may 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. It is submitted that this applicant has himself in the statement given by him before the Naib Tahsildar had admitted that he had instructed cutting of Babool tree, which were sold and money has been received by some other person because the villagers wanted it. Hence, no case is made out for grant of anticipatory bail.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. According to the prosecution case, it is alleged that at the behest of this applicant, a number of Babool trees were cut and sold to one Pawan Sahu. On complaint made by the Naib Tahsildar of the jurisdiction, FIR has been registered against the applicant. Hence, this case.
6. Considered the submissions made and the contents of the case diary. Considering on the entire material present in the case diary, it is found that in one complaint addressed to the Collector, the villagers have made statement, that labourers who were cutting the trees have stated that they have instructed by Pawan Sahu to do so, hence, after consideration on all the material present in the case diary, 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 each 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