

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 990 of 2018**

Itwar Sai Uikey, S/o. Late Bhagat Ram, Aged About 58 Years, R/o. Village Salhi, Hariharpur, Police Station and Tehsil Udaypur, District Surguja Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through : Station House Officer, P.S. Udaypur, District Surguja Chhattisgarh.

---- Respondent

For Applicant	: Mr. Amarnath Pandey, Advocate
For Respondent/State	: Mr. Ashish Shukla, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****08/10/2018**

1. Apprehending arrest in connection with Crime No.71/2017, registered at Police Station – Udaypur, District – Surguja (C.G.) for offence punishable under Section 420, 467, 468, 471, 120-B 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. It is submitted that the applicant was working as Secretary of Gram Panchayat Salhi and he has played no role in the said allotment of lease in favour of the co-accused persons namely Bal Sai and Shyama Bai. The decision of allotment of lease was taken by Gram Sabha and accordingly lease has been granted by the Collector, Sarguja. In

capacity of Secretary of said Panchayat, the applicant has only scribed the proposal and all the recommendation that has been made. Hence, no case is made out against the applicant, therefore, it is prayed 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 according to the investigation made, the applicant has been held responsible for the illegal allotment on lease the forest land to the co-accused persons, which has resulted in the huge loss to the State Government. 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. The case against the applicant is this that co-accused persons were granted Van Adhikar Patta of 5.161 hectare. It was later discovered that the land that was allotted was in-fact recorded as gochar land in the revenue record, which was manipulated for grant of lease in which the applicant has played role. Subsequently, the land that was allotted to co-accused persons has been acquired and compensation of Rs.1,01,68,337/- has been received by the co-accused persons, which has caused huge loss to the State exchequer.
6. Considered the submissions made and the contents of the case diary. After due 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 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