

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1063 of 2018**

Mohd. Dastgir S/o Late Shri Saddique Aged About 46 Years R/o Niwasi Nagar, Panchayat Ramanujganj, Ward No. 3, P. S. Ramanujganj District Balrampur Ramanujganj Chhattisgarh,
District : Balrampur, Chhattisgarh --- **Petitioner**

Versus

State of Chhattisgarh through the Incharge Police Station Lundra, District Surguja District : Surguja (Ambikapur), Chhattisgarh --- **Respondent**

For the applicant : Mr. Anand Shukla, Advocate.
For the State : Mr. Sangharsh Pandey, Dy. Govt. Adv.

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****27.09.2018**

1. Apprehending arrest in connection with Crime No. 18/2013 registered at Police Station Lundra, Distt. Surguja (C.G) for the offences punishable u/ss 420, 467, 468, 471 & 120-B of IPC, the applicant has filed this application u/s 438 of the Code of Criminal Procedure.
2. As per the prosecution case, the present applicant in connivance with the Patwari and other revenue officers and another person in between 26.10.1998 and 07.12.1999 converted the forest land of the area 283.73 hectares to private lands and recorded the names of different villagers in revenue records, thereby the offence has been committed. Thereafter the villagers had given Power of Attorney in the name of Shabir Ansari and in the memorandum of Shabir Ansari, the name of present applicant appeared.

3. Learned counsel for the applicant would submit that the incident is alleged to be of the year 2013 and the investigation is still being carried out. He further submits that other accused Ramashray Singh has been enlarged on bail by this Court vide order dated 03.03.2017 passed by this Court in M.Cr.C(A). No.1296 of 2016 and also another accused Prashant Tiwari has been enlarged on bail on 16.04.2013 in M.Cr.C(A). No. 299 of 2013 by the coordinate Bench and the case of the present applicant is also similar to that of those accused, therefore, he may be admitted to anticipatory bail.
4. Per contra, learned State Counsel opposes the prayer. However, he is unable to dispute the fact that similarly placed accused have been enlarged on bail.
5. Taking into consideration the fact that the matter is pending since 2013 and still the investigation is going on and the evidence available in this case appears to be documentary in nature and further considering the fact that similarly placed accused have been admitted to anticipatory bail, I am inclined to allow this application.
6. Accordingly, the 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 officer arresting him or the concerned Investigating Officer. The applicant shall also abide by the following conditions :-
 - (i) that he shall make himself available for interrogation before the investigating officer

as and when required;

- (ii) that he 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 any police officer;
- (iii) that he shall not act in any manner which will be prejudicial to fair and expeditious trial; and
- (iv) that he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**