

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 1109 of 2018**

Ashok Tamrakar S/o Shri Gopal Sao Tamrakar Aged About 48 Years By Caste- Thathera, Occupation- Business, R/o- Kunkuri, Thana And Tahsil Kunkuri, Civil And Revenue District- Jashpur, Chhattisgarh., District : Jashpur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through- The Station House Officer, Police Station- Ambikapur, Civil And Revenue District- Surguja, Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh.

---- Respondent

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

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****26.09.2018**

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. 377 of 2018, registered at Police Station – Ambikapur, District – Surguja, Chhattisgarh for the offences punishable under Sections 420, 447 and 120B of the Indian Penal Code.
3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case. The applicant had made an encroachment on the government land and constructed a Kutcha House. The applicant had

sold that house to Pankaj Kumar Mehta on 26.10.2009 and lateron, the same house was sold to one Deenanth Sharma by Pankaj Kumar Mehta. None of the persons in the transaction have any grievance but the Nazul Officer lodged FIR alleging commission of offence of cheating and fraud, which is baseless. 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. It is not disputed that the applicant had constructed a Kutcha House on Nazul land and the subsequent transactions are also not disputed. The question exists as to what loss seems to be caused to the government. Hence, I am of the considered opinion that the applicant deserves to be released on anticipatory bail.

7. 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