

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 1176 of 2018

- Subhash Yadav S/o Ujitram Yadav Aged About 35 Years R/o Village- Kotarabaga, Himgir, District- Sundergarh, Orissa., District : Sundargarh, Orissa

---- Applicant

Versus

- State Of Chhattisgarh Through- Police Station- Chakradharnager, Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

---- Respondent

For Applicant	: Mr. Amit Sharma, Advocate
For Respondent/State	: Mr. Anil Pandey, Govt. Advocate.
For Objector	: Mr. Manoj Kumar Jaiswal, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

04/10/2018

1. Apprehending arrest in connection with Crime No.181/2018, registered at Police Station – Chakradharnagar, District – Raigarh(C.G.) for offence punishable under Section 420, 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 applicants, that both the applicants have been falsely implicated in this case only for the reason that he is son-in-law of the main accused Bihari Lal Yadav. This applicant has not participated in the alleged commission of offence and there is no evidence present against him. Applicant is a government

servant working as Home Guard, hence, it is prayed that applicant 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. Adopting the arguments advanced by learned counsel for the State, it has been submitted by learned counsel for objector that this applicant had collaborated with the main accused Bihari Lal Yadav and conspired in the commission of this offence of cheating and forgery, hence, he is not entitled for grant of bail.
5. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
6. As per the prosecution case the main accused Bihari Lal Yadav by making use of forged consent letter of the joint property holders made an attempt and succeeded in getting a cheque for the compensation of land acquisitioned. On the basis of some complaint, the encashment of said cheque was withheld by the Land Acquisition Officer, but later on the hold was released and main accused succeeded in withdrawing the amount on the basis of the said cheque . Thereafter, FIR has been lodged.
7. Considered on all the material present in the case diary, I am of this opinion that both the applicants should be enlarged on anticipatory bail.
8. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed. It is directed that in the event of arrest of the applicants in connection with the aforesaid offence, he shall be released on bail by the officer arresting them on executing a personal

bond in sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicants shall also abide by the following conditions :

- (i) that the applicants shall make themselves available for interrogation before the investigating officer as and when required;
- (ii) that the applicants 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 applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicants shall appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)

Judge