

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 1212 of 2018**

Shankarshan Panda, S/o. Vasudeo Panda, Aged About 50 Years, R/o. Village Bindankhol, Khairkhuta, P.S. and Tahsil Pithora, District - Mahasamund, Chhattisgarh.

----Applicant

Versus

State Of Chhattisgarh, Through : The Station House Officer, Police Station Pithora, District - Mahasamund, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Raghavendra Pradhan, Advocate
For Respondent/State	: Mr. Ashish Shukla, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**09/10/2018**

1. Apprehending arrest in connection with Crime No.92/2018, registered at Police Station – Pithora, District – Mahasamund (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 has played no roll in the said manipulation of the revenue records in fact the applicant had entered into an agreement for purchase of the land from Sindhutanya, who is co-accused in this case and had paid advance of Rs.1,55,000/- for the same, but subsequently, the said land has been sold out by the co-

accused to some other person and the amount paid by the applicant has also not been refunded. Hence, the fact is this that the applicant himself is one of the aggrieved person in this case. 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 the investigation is at very initial stage and the evidence may be collected which may disclose the involvement of this applicant in the commission of crime in question. Hence, the applicant may not be released on 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 and the co-accused persons is this that the the main accused Sindhutanya and Benjamin Sikka manipulated the revenue records showing the government land bearing survey No.540/1 as part of land bearing survey No.635 and have entered into transaction of sale of the same land including the government land. Thus have cheated the government 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 and the nature of allegation against this applicant, 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