

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 1287 of 2018**

Ayub Khan S/o Shri Ahmed Yaar Khan Aged About 52 Years R/o Raja Talab, Raipur, Presently At Mohta Building, Patpar Road, Bhatapara, Tahsil-Bhatapara, Police Station- Bhatapara (City), District- Balodabazar-Bhatapara, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Police Station- Suhela, District-Balodabazar- Bhatapara, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh.

---- Respondent

For the Applicant : Shri B.P. Sharma and Shri Raza Ali, Advocates.

For the Respondent/State : Shri Anil S. Pandey, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****12.11.2018**

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.26 of 2018 registered at police station Suhela, District Baloda Bazar-Bhatapara, Chhattisgarh for the offence punishable under Sections 420, 467 and 468/ 34 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 is a public servant functioning

as Patwari. Totally false allegation has been made by complainant - Laxmi Baghel (Dhurundhar). The entries that have been made by the applicant between the year 2003-2004 and 2005-2006 were in compliance of the order passed by the Tehsildar which does not amount to any criminal act. On the complaints made by complainant – Laxmi Dhurundhar and her sister – Chandrakala Dhurundhar, police has investigated the matter number of times and has not found any ground to take action on the basis of the complaints. The complainant has even filed a civil suit before the Civil Court in which this applicant has been arrayed as a party which confirms that there is no criminality in the alleged act on the part of the applicant. 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. It is submitted that without any authority and in an illegal and arbitrary manner, this applicant has made entries of mutation in the record because of which, the complainant has suffered. Hence, no case is made out for grant of anticipatory bail to the applicant.

5. Heard counsel for both the parties and perused the case diary.

6. An application under Section 156(3) of the Cr.P.C. was filed by complainant – Laxmi Dhurundhar before the Court and on the basis of which, FIR has been registered against the applicant and the other co-accused persons in which, it is alleged that the applicant has in connivance with the other persons made entry of the revenue record fraudulently to deprive the complainant and others their rightful claim.

7. Considered the material present in the case-diary. The entries that have been made by the applicant amounts to an official act and that the applicant had been a beneficiary on account of this act is yet to be investigated. Hence, after due consideration on each and every material present in the case-diary, I feel inclined to grant anticipatory bail to the applicant.

8. 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