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HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1330 of 2018

- Laxmi Narayan Agrawal S/o Late Jagannath Agrawal, Aged About 62 Years, R/o Village- Lahroud, Police Station and Tahsil- Pithora, District- Mahasamund, Chhattisgarh., District : Mahasamund, Chhattisgarh

---- Applicant

Versus

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

---- Non-applicant

For Applicant – Shri Surfaraj Khan, Advocate.

For Non-applicant/State – Shri Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

24-10-2018

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 IPC, the applicant has preferred this application for grant of anticipatory bail. This is second bail application filed under Section 438 of the Cr.P.C. by the applicant before this Court, his first application for grant of anticipatory bail was dismissed as withdrawn by this Court.

2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. It is a case of year 2010 when this applicant made a purchase of land from one accused Shobharam. A complaint case was filed by one complainant Lalbahadur Mahanti in the year 2010 and subsequently he made prayer before the Court to withdraw the complaint, but the same was not disposed off by the concerned Court. In subsequent development the Court suo moto called for an enquiry report from the concerned police station and without there being any authority of Court the police has registered the FIR in this case. The applicant is a bonafide

purchaser of the land and he has no connection with the crime committed if any in this case. Hence, it is prayed that he may be benefited with grant of anticipatory bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that the investigation is at a very initial stage and there may be requirement of custodial interrogation from the applicant, hence, the application may be rejected.

4. Heard learned counsel for the parties and perused the case diary.

5. The case against the applicant is this that, revenue record were manipulated by main accused person Benjamin Sikka in which the Govt. land was shown as private land as Khasra No.635. The same land was sold out by the concerned persons. One of the co-accused Shobharam has sold a piece of land to this applicant. Hence, for this reason, the applicant is arrayed as accused in this case.

6. After considering on all the facts and circumstances of this case, I am of this opinion that this is a fit case for grant of anticipatory bail to the applicant.

7. Accordingly, the anticipatory bail application is allowed. 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.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Aadil