

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****M. Cr. C. (A) No. 1386 of 2018**

Harishankar Sao @ Hari Sahu S/o Lomas Ram, Aged About 49
Years, R/o Arvind Nagar, Bandhwapara, Police Station- Sarkanda,
District- Bilaspur, Chhattisgarh

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police
Station- Sarkanda, Civil And Revenue District- Bilaspur,
Chhattisgarh

---- Respondent

For Applicant	:	Shri Ashwani Shukla, Advocate
For Respondent/State	:	Shri D. Wankhede, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****15/11/2018**

The present application under Section 438 of Cr.P.C. has been filed seeking for grant of anticipatory bail to the applicant apprehending his arrest in connection with Crime No. 408/2013 registered at P.S. Sarkanda, Civil and Revenue District Bilaspur (CG) for the offence punishable under Sections 420, 467, 468, 120B, 34 of IPC.

2. The allegation against the present applicant as per the prosecution is that a written complaint has been received on behalf of Ram Mohan Dubey alleging that the property belonging to his mother namely Vimla Dubey is said to have been got sold by the accused persons in the case by tampering the revenue documents by them.

3. Counsel for the applicant submits that the present applicant is not directly or indirectly involved in the said offence and there is an

apprehension of his being arrested.

4. State counsel, on verification of the entire case diary submits that though the name of the present applicant finds place in the FIR based on the written complaint received from Ram Mohan Dubey but in the course of investigation till date there has been no material collected to establish the role played by the applicant in commission of the said offence neither does the statement of the complainant disclose the involvement of the applicant in commission of the said offence.

5. Given the said facts and circumstances of the case, this Court is of the opinion that prima facie a strong case for grant of anticipatory bail has been made out.

6. In the result, the application u/s 438 Cr.P.C. is allowed. It is directed that in the event of arrest of the present applicant in connection with the aforesaid offence, he will be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the Officer arresting him or the Court concerned, as the case may be, with the following terms and conditions:

- (i) that the applicant shall make himself available for interrogation before the concerned 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.

**Sd/-
(P. Sam Koshy)
Judge**

Bhola