

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****M. Cr. C. (A) No. 212 of 2019**

Rajkumar Netam S/o Ratnuram Netam, Aged About 63 Years, Sub Registrar(Revenue), Dongargarh, District Rajnandgaon Chhattisgarh, At Present Resident Of Akhrabhantha, Sakti, Ward No.9, Tahsil And Police Station-Sakti, District Janjgir Champa Chhattisgarh

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station - Baghnadi, District Rajnandgaon, Chhattisgarh

---- Respondent

For Applicant	:	Shri S. S. Rajput, Advocate
For Respondent/State	:	Shri Rahul Mishra, Dy. Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****15/03/2019**

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. 19/2016 registered at P.S. Baghnadi, District Rajnandgaon (CG) for the offence punishable under Sections 420, 467, 468, 471, 34 of IPC.

2. The case of the prosecution against the applicant is that while working as a Sub-Registrar, certain sale deeds were registered in respect of Govt. lands on the basis of 22 point enquiry given by the Patwari. However, the said land was later on found to be Govt. land and the sale purchase was shown to be private land. The allegation against the present applicant is that he along with other accused

persons were found in connivance in the course of selling of the said land.

3. Counsel for the applicant submits that for the same set of facts, the applicant was made accused in respect of different piece of land which got registered during the said period when the applicant was working on the post of Sub Registra and in most of the cases the applicant has got anticipatory bail from this Court. Counsel for the applicant has enclosed along with the present bail application the order passed by this Court in MCRCA 943 of 2016 and MCRCA 532 of 2018. Thus, prayed for grant of anticipatory bail to the applicant.

4. State counsel, on the contrary, opposing the bail application submits that since the nature of offence is quite serious in as much as by the conduct of the applicant, Govt. land has been sold showing it to be private land and therefore, the applicant does not deserve to be granted anticipatory bail.

5. Having heard the contentions put forth on either side and on perusal of the record, particularly taking note of the fact that in identical set of facts, the applicant has already granted anticipatory bail by the Co-ordinate Bench of this Court in a couple of cases, this Court is of the opinion that a strong case for grant of anticipatory bail in the present case also is made out on the ground of parity.

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