

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 257 of 2019**

Punnilal Sharma S/o Shri Chote Lal Sharma Aged About 64 Years R/o Greendely Vihar, Dubey Colony, Mowa, District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, P. S. Dharsiwa, District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Sharad Mishra, Advocate.
For the Respondent/State	:	Shri I. Lakra, P.L.
For the Objector	:	Shri Sachin Nidhi, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****11.03.2019**

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. 255 of 2018, registered at Police Station Gol Bazar, Raipur, District Raipur, Chhattisgarh for the offence punishable under Sections 420, 467, 468, 471 and 120B of the Indian Penal Code.
3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant on

the basis of the material placed before the Court by the prosecution. This applicant is a *bona-fide* purchaser of the land and he is not involved in the commission of offences that have been registered against him. Similarly placed co-accused persons, namely, Sandeep Thakur and Ayub Khan have been granted bail by this Court. Hence, it is prayed that the applicant be enlarged on anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect.

5. Learned counsel for the Objector has adopted the arguments submitted by the State counsel and submits that this applicant had intentionally purchased the land in a fraudulent manner. Hence, for these reasons, he is not entitled for grant of bail.

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

7. According to the FIR lodged, the main accused persons in this case manipulated the revenue records by making fraudulent entries in favour of one co-accused – Shiv Kumar @ Mukht Dev Baghel. Later on, co-accused - Shiv Kumar @ Mukht Dev Baghel, on the basis of the manipulated entry in the revenue records, has sold one piece of land to this applicant and thus, defrauded the rightful owners. Hence, this case.

8. Considering the material present in the case-diary and taking into consideration the fact that similarly placed co-accused persons have been

granted anticipatory bail by this Court, I am of the opinion that the present is a fit case where the applicant is entitled to be released on anticipatory bail.

9. 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