

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****M.CR.C.(A). No. 246 of 2019**

Nirbhay Jain, S/o. Shri M.M. Jain, Aged About 33 Years, R/o. 58/10 Nehru Nagar East, Bhilai Police Station Supela Bhilai, Tahsil and District Durg Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through : The District Magistrate, Durg Chhattisgarh.

---- Respondent

For Applicant : Mr. Vipin Tiwari, Advocate
For Respondent/State : Mr. I. Lakra, Dy. G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****01/03/2019**

1. Apprehending arrest in connection with Crime No.73/2018, registered at Police Station – Anda, District – Durg (C.G.) for offence punishable under Section 306, 120-B, 420, 467, 468, 471, 34 of the Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by the learned 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 present in the case diary. This applicant has played no role in the said commission of offence as it is alleged in the FIR. The fact is this that the deceased Sanjay Banjare sold his land to friend of this

applicant Shrinu Babu for consideration of Rs.17.00 lakhs, in which the applicant has simply identified the purchaser i.e. Shrinu Babu. Later on when the complaint was lodged against the deceased that he has fraudulently sold the same land to more than one person due to which, he has committed suicide and because of that this applicant has been implicated in this case. Therefore, it is prayed that the applicant may be enlarged on anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect. It is submitted that according to the final report, this applicant and his associates worked as a racket, in which the innocent villagers were induced to make sale of their land more than once by making use of false and forged documents. Therefore, no case is made out for grant of anticipatory bail to the applicant.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. The deceased – Sanjay Banjare committed suicide on 30.07.2018 leaving a suicide note in which he has held responsible some persons because of whom he felt compelled for commission of suicide.
6. Considered the submissions made and the contents of the case diary. Name of this applicant though finds mention in the suicide note but on perusal of other evidence that has been collected in the investigation and finding it in particular that the deceased has himself made sale of his land more than once, therefore, he himself was in a legal fix, hence, looking to these facts and circumstances

of the case, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.

7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
8. 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge