

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1152 of 2019**

- Chamru Yadav S/o Kartiko Yadav Aged About 41 Years Occupation Agriculture, R/o Village Memra, P.S. And Tahsil Pithora, District Mahasamund Chhattisgarh

---- Applicant**Versus**

- State of Chhattisgarh Through State Economic Offence Wing Branch Raipur, District Raipur Chhattisgarh

---- Respondent

For Applicant : Shri Utkal Pradhan, Advocate

For Respondent/State : Shri Sudeep Verma, Dy. GA

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****16/08/2019**

1. Heard.
2. This application under Section 438 of the Code of Criminal Procedure has been filed by the applicant apprehending his arrest in connection with Crime No. 50/16 registered at Police Station Economic Offence Wing Branch Raipur (C.G.) for the offence punishable under Sections 420, 467, 468, 471, 120 (B) IPC and Section 13 (1) (d) r/w Section 13 (2) of the Prevention of Corruption Act.
3. As per the prosecution case, the present applicant in connivance with one Laxmi Narayan Agrawal, who was the land broker in connivance with the government officials got recorded the name of the private persons in the government land and the present applicant was instrumental in sale of the different land to different purchasers. Thereby the offence has been committed.

4. Learned counsel for the applicant would submit that Laxmi Narayan Agrawal, against whom the main allegations were made has been enlarged on bail and the present applicant being the servant of Laxmi Narayan Agrawal, he is at the better footing as such the similar benefit may be granted to the applicant and he may be given the benefit of anticipatory bail.
5. Per contra, learned State counsel opposes the prayer for grant of anticipatory bail.
6. Perused the order granting bail to Laxmi Narayan Agrawal by the trial Court. Considering the fact that the similarly placed co-accused has been enlarged on bail and the allegation against the present applicant is that he was the servant of the main broker, on whom the main allegations have been attributed and he has been enlarged on bail by the trial Court, I am inclined to allow this anticipatory bail application.
7. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant, he shall be released on anticipatory bail on his executing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the arresting officer with the following conditions:-
 - (i) that the applicant shall make himself available for interrogation before the investigation 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 them by the said Court till disposal of the trial.

Sd/-

Goutam Bhaduri
Judge