

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C.(A.) No. 1221 of 2019

- Umashankar Yadav S/o Rameshwar Yadav Aged About 25 Years Caste Ahir, Occupation Cultivator, R/o Village Marhatha, Police Station And Tahsil Pratappur, District Surajpur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Jainagar, Civil And Revenue District Surajpur Chhattisgarh

---- Non-applicant

For Applicant	: Mr. Kaushal Yadav, Advocate.
For State/respondent	: Mr. Ghanshyam Patel, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

05-09-2019

Heard.

1. Apprehending arrest in connection with Crime No.81/2019, registered at Police Station– Jainagar, Civil & Revenue, District- Surajpur, Chhattisgarh for offence punishable under Sections 420, 467, 468, 471, 120-B/34 of the I.P.C., the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by learned counsel for the applicant that no case is made out against the applicant. There is no allegation against this applicant that he has in any manner manipulated the revenue record or forged the documents. His name has come into picture only for the reason that he was working as private servant of the Patwari- Hem Prasad. He had been to the spot on the asking of the Patwari at the time, when the measurement was being done, apart from that, he has not played any role. Hence, it is prayed that he may be granted anticipatory bail.

3. Learned counsel for the State opposes the application and submits that there is evidence present regarding involvement of this application in commission of offence. Hence, it prayed that his application be rejected.
4. Heard learned counsel for the parties and perused the case diary.
5. According to the prosecution case, the F.I.R. has been lodged by complainant- Sohan Lal Jaiswal that negotiations for purchase the of land took place with co-accused Mahendra Yadav. The land was shown to the complainant by the co-accused person Mahendra Yadav and Patwari. This applicant was present, at the time the land was demarcated. Thereafter, the complainant purchased the land by a registered sale-deed. Subsequent to that, at the stage of mutation proceeding, he found that the revenue records were forged by the main accused Mahendra Yadav in collaboration with Patwari on the basis of which, the sale was made. Hence, this case.
6. After considering on the facts and circumstances and the evidence present on record of the trial Court. The role of this application appears to be very limited regarding his presence at the time of demarcation, therefore, I feel inclined to allow this application.
7. Hence, the bail application filed under Section 438 of Cr.P.C. is allowed.
8. Accordingly, the anticipatory bail application is allowed. 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.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Monika