

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 1592 of 2018**

Ajit Singh S/o Radhamohan Singh Aged About 50 Years R/o Khalpara, Ambikapur, District- Surguja, Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Police Station- Ambikapur, District- Surguja, Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh.

---- Respondent

For the Applicant : Shri Anurag Singh, Advocate.
For the Respondent/State : Shri Lav Sharma, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****08.01.2019**

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. 360 of 2017, registered at Police Station – Ambikapur, District – Surguja, Chhattisgarh for the offences punishable under Section 420 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. At the most, the case against the applicant would be regarding encroaching upon

the government land for the reason that the person to whom the land and the construction was sold has not come forward as the complainant or aggrieved person, hence, no case is made out under Section 420 of the IPC. 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. It is submitted that it is mentioned in the case-diary that the applicant is the head of land mafia. Hence, the applicant is not entitled for grant of anticipatory bail.

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

6. One Alok Dubey, Counselor of Municipal Council/ Corporation, Ambikapur filed a complaint regarding illegal encroachment upon the government land, which was enquired and it was found that one Sainath was residing in a house which was constructed on the government land, encroached by the applicant. He gave the statement that he had purchased the said house and encroached land from this applicant on 7.9.2013. Hence, on the basis of intimation given by Tehsildar, FIR has been lodged in this case.

7. After considering the entire material in the case-diary, it appears that basically it is a case of unauthorizedly encroaching upon the government land and the purchaser of the land has not come forward as the complainant. Hence, for these reasons, I am of the considered view that the applicant deserves to be released on anticipatory bail.

8. 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