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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 1695 of 2018**

Rangalal Nirala S/o Shri Hetram Nirala Aged About 48 Years Occupation Government Employee (Patwari) Presently R/o Village Bakaruma, Tahsil Dharamjaigarh, District Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh.

---- Applicant**Versus**

The State Of Chhattisgarh Through The Officer In Charge Of Police Station Baramkela, District Raigarh Chhattisgarh.

---- Respondent

For the Applicant : Shri Roop Naik, Advocate.
For the Respondent/State : Shri Arun Shukla, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****01.02.2019**

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. 42 of 2018, registered at Police Station – Baramkela, District Raigarh, Chhattisgarh for the offences punishable under Section 420, 467, 468, 470, 471 and Section 34 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, who is a Patwari has no authority to receive the information of death of any land owner. The proposal was brought before the Gram Panchayat and approved in presence of all the villagers regarding which the document is submitted as Annexure-A/4 and on that basis, the Tehsildar has passed the order for mutation in the revenue records. The applicant has simply carried out the order of mutation. 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. Heard counsel for both the parties and perused the case diary.

6. Complainant – Smt. Mandodari has filed a complaint alleging that she resides in Orissa and another wife of her husband with her sons have misguided the Gram Panchayat and revenue authorities and sought mutation in their favour in a fraudulent manner.

7. After considering the material present in the case-diary and after perusing the documents filed alongwith the application, I feel inclined to grant anticipatory bail to the applicant.

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

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