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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 1703 of 2018**

Sandeep Thakur S/o Late D.S. Thakur Aged About 43 Years Presently Posted As Deputy Collector (Land Record) Bilaspur R/o Flat No. 404 ,j.P. Heights ,Shubham Vihar , Bilaspur District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer ,police Station Gol Bazar Raipur District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh.

---- Respondent

For the Applicant : Shri Goutam Khetrapal, Advocate.
For the Respondent/State : Shri Anil S. Pandey, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****02.01.2019**

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. 33341023180255, registered at Police Station – Gol Bazar, Raipur, District – Raipur, Chhattisgarh for the offences punishable under Sections 120, 420, 467, 468 and 471/ 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. The applicant had in capacity of Tehsildar posted at Suhela has affixed his signature on the mutation case prepared by

the Patwari. The applicant did not have any intention to pass any fraudulent order of mutation. He simply believed the Patwari, who is the main accused in this case. The applicant is a government servant and presently working as a Deputy Collector and ready to abide by all the conditions that may be imposed on him. Hence, it is prayed that this applicant may be benefited with grant of 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. The allegation against the applicant and the co-accused persons is that they have manipulated the revenue records fraudulently by making entries of mutation in favour of Shiv Kumar Baghel and making use of the same entry, the main accused has sold out the land depriving rightful owners of their entitlement. Hence, this case.

7. After perusing the contents of the case-diary, considering the fact that the applicant is a Government Servant and presently serving as Deputy Collector and for the reason that Patwari – Ayub Khan has been granted anticipatory bail by this Court, I feel inclined to grant anticipatory bail to the applicant.

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