

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRCA No. 696 of 2020**

Mithlesh Nayak S/o Shri Loknath Nayak, aged about 43 years, R/o Runjhuni (Sukari), Thana-Rajadeori, District: Balodabazar- Bhatapara (C.G.)

**---- Applicant**

**Versus**

State Of Chhattisgarh Through the Station House Officer, Police Station: Rajadeori, District: Balodabazar-Bhatapara (C.G.)

**---- Respondent**

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| For Applicant        | : Mr. Sunil Sahu, Advocate. |
| For Respondent/State | : Mr. Alok Nigam, G.A.      |

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**Hon'ble Shri Justice Arvind Singh Chandel**

**Order On Board**

**20.08.2020**

1. The applicant has filed this bail application for grant of anticipatory bail under Section 438 of the Cr.P.C. as he is apprehending his arrest in connection with Crime No.51/2019, registered at Police Station: Rajadeori, District: Balodabazar-Bhatapara (C.G.) for the offence punishable under Section 120 (B), 420, 467, 468 & 471 of IPC.
2. According to the case of prosecution, on 12.09.2019, one D.K. Bhardwaj, Inquiry Officer/Cooperative Extension Officer, lodged a report alleging therein that, in the year 2012-2013 & 2013-2014, president of Sewa Sahakari Samiti Deori Nagedi namely Sushil Patel and other co-accused person as well as present Applicant registered the land of 52 agriculturists with Samiti. Allegedly, these people by showing forged registration of land, purchased excess paddy amounting to Rs.1,25,00,000/- in the year 2012-2013 and Rs.1,41,00,000/- in the year 2013-2014. Thereby, present Applicant and other co-accused persons committed crime-in-question. On the basis of said, offence has been registered.

3. Learned counsel appearing on behalf of the applicant submits that the applicant is falsely implicated in the present case. He submits that the entire case of the prosecution is false and fabricated. The present Applicant was posted as *Phadd Prabhari* in the said procurement purchase centre on 08.11.2013. In the year 2013-2014 no any fresh registration has been done and on the basis of registration of year 2012-13, the purchase was made only in the year 2013-14. Registration of the agriculturists have been verified by the concerned Patwari also and if there is any false registration then present Applicant is not responsible for it. The Applicant was also not authorized for the false registration of land at that time. The registrations were made on the basis of details given by the farmers and they have sold their paddy and have received amounts in their accounts. Learned counsel further submits that alleged incident occurred in the year 2012-2014 and FIR has been lodged after five years. Initially two inquiries were made in this regard and nothing was found. After the change of government, a fresh inquiry has been conducted and on the basis of said inquiry, offence has been registered. Since, there is no any direct evidence against the present Applicant and there is nothing on record which shows that present Applicant is involved in the said crime-in-question, therefore, Prima Facie no case is made out against the present Applicant, therefore, he prays for grant of anticipatory bail to the Applicant.
4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for the parties.
6. Considering the facts and circumstances of the case, arguments advanced by the counsel for the parties and particularly considering that in the first two inquiries nothing was found and further considering the fact that present Applicant was posted as *Phadd Prabhari* on 08.11.2013 and registration were already made in the year 2012-2013 i.e before appointment of present Applicant as *Phadd Prabhari*, without further commenting on other merits of the case, in my considered opinion, it is a fit case for grant anticipatory bail to the applicant.
7. Accordingly, the anticipatory bail application is allowed.

8. It is directed that in the event of arrest, the applicant shall be released on bail on furnishing a personal bond in the sum of Rs. 25,000/- with one surety for the like sum to the satisfaction of the officer arresting him and he shall abide by all the following terms and conditions:-

- I. That the accused/applicant shall made himself available for interrogation before the concerned Investigating Officer as and when required;
- II. The accused/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. The accused/applicant shall not act, in any manner which will be prejudicial to fair and expeditious trial; and
- IV. 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/-**

**(Arvind Singh Chandel)**  
**Judge**