

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1599 of 2019

Dulichand Banjare S/o Budharu Ram Banjare Aged About 52 Years
Occupation - Service, (Deputy Collector) R/o Village Belar, Police Station
Sihava, Tahsil Nagri, District Dhamtari Chhattisgarh. At Present R/o Office
Of District Collector, Rudri, Dhamtari, District - Dhamtari Chhattisgarh.

---- Applicant

Versus

1. State Of Chhattisgarh & Anr. Through Police Station Pithaura, District Mahasamund Chhattisgarh.
2. Bhim Kumar Sahu S/o Late Heera Ram Sahu Aged About 48 Years R/o Village Turujhar, Police Station Bagbahra, District Mahasamund Chhattisgarh.

---- Respondents

For Applicant	: Mr. Pushpendra Kumar Patel, Advocate.
For Respondent/State	: Mr. Anand Verma, Dy. G.A.
For Objector	: Mr. Ajit Singh, Advocate

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

24/02/2020

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. 38/2017, registered at Police Station: Pithaura, District-Mahasamund (C.G.) for the offence punishable under Section 420, 467, 468 & 471 of IPC.
2. As per the prosecution story, the Respondent No.2 was the Patwari of Halka No.47 at the relevant time and the present Applicant was posted as Naib Tehsildar. A private complaint under Section 200 of Cr.P.C has been filed by Respondent No.2 wherein it has been alleged that the present Applicant along with other co-accused person have played fraud by correcting the revenue records of grass land Khasra No.4, Rakba 0.46 hectare as a title holder and sold the said land to co-accused and after that registered the said grass land in the name of Parvati Bai. On being directed by the learned JMFC, Pithaura police has registered the said

offences against the Applicant.

3. Learned counsel appearing on behalf of the applicant submits that the applicant is falsely implicated in the present case. He submits that prima facie no case can be made against the Applicant because the name was registered by the then Patwari namely H.R. Usmani and the present Applicant being a Naib Tehsildar at that time had only counter signed in the said document 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 counsel for the parties and particularly considering that the Applicant had only counter-signed in the said document, 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