

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1718 of 2019**

- D.R. Sidar S/o Late Mohan Singh Sidar Aged About 44 Years Occupation - Government Servant (Assistant Grade - II) At Tahsil Office Sarangarh, R/o Village - Hardi, Tahsil and Police Station - Sarangarh, District Raigarh, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through - The S. H. O. of Police Station - Kharsia, District – Raigarh, Chhattisgarh.

---- Respondent

For Applicant : Shri Abhishek Saraf, Advocate.

For Respondent/State : Shri Alok Nigam, G.A.

Hon'ble Shri Justice Arvind Singh Chandel**Order On Board****17/01/2020**

1. The applicant has preferred this first bail application under Section 438 of Cr.P.C. for apprehending arrest in connection with Crime No. 123/2018 registered at Police Station Kharsia, District – Raigarh, (C.G.) for the offence punishable under Sections 420, 467, 468, 471, 120-B of Indian Penal Code.
2. As per the prosecution story, on 25.02.2018, F.I.R. was lodged by complainant Motilal Sahu (Retired Police Officer) alleging therein that there was property dispute between him (Motilal) and his nephew Natthuram Sahu (co-accused). It is alleged that Natthuram made a conspiracy and filed an application before the Court of Tahsildar and after receiving a forged order of partition, the said property was sold to one Lalaram by Natthuram. It is alleged that present applicant, posted as AG-II in Tahsil Office, Kharsia was also involved in the conspiracy. On the basis of the said, offence has been registered.
3. Learned Counsel appearing for the applicant submits that the

applicant is innocent and has been falsely implicated in the present case. He further submits that *prima facie*, no case is made out against applicant. There is no material available on record on the basis of which it can be established that present applicant is involved in the crime in question. It is further submitted that main allegations are against co-accused Natthuram and Sumatram Chouhan (Patwari) and they have already been granted benefit of anticipatory bail by this Court vide order dated 22.06.2018 passed in MCRCA No. 414/2018 and MCRCA No. 382/2018 respectively. Therefore, it is prayed that present applicant may also be granted benefit of anticipatory bail.

4. Learned Counsel appearing for the State opposes the bail application.
5. I have heard learned Counsel appearing for the parties and perused the material available with due care.
6. Taking into consideration the submissions put-forth on behalf of the parties, considering the facts and circumstances of the case, evidence collected by the prosecution and further considering the fact that co-accused persons have already been granted anticipatory bail by this Court, therefore, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present applicant.
7. Accordingly, the anticipatory bail application is allowed.
8. It is directed that in the event of arrest of the applicant in connection with the aforesaid crime, he shall be released on anticipatory bail on furnishing a personal bond in the sum of Rs. 20,000/- with one solvent surety for the like sum to the satisfaction of the Arresting Officer/Presiding Officer of the concerned trial Court. He shall also abide by all the following terms and conditions :
 - (i) He 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 fact to the

Court,

- (ii) He shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) He 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

Prakash