

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 407 of 2021

Gopal Kashyap S/o Laxman Kashyap Aged About 50 Years R/o Dhuripara, Main Road, Mangla, Police Station Civil Line, District Bilaspur Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through S.H.O. , Police Station Civil Line, District Bilaspur Chhattisgarh.

---- Respondent

For applicant – Shri Neeraj Choubey, Advocate.
For Respondent/State –Shri Siddharth Dubey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

27/07/2021

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No.74/2021 registered at Police Station Civil Line, District Bilaspur (C.G.) for offence punishable under Section 292-C(2) of Municipal Corporation Act, 1956.
2. As per the prosecution case, report was made by the Municipal Corporation under the Municipal Corporation Act, 1956 under section 292-C that the applicant in between the period 20/09/2011 to 24/09/2011 has illegally carved out the plots and sold it to different persons which is punishable under Section 292-C of the Municipal Corporation Act, 1956.
3. Learned counsel for the applicant submits that plot in question comes within the area of Mangla which came into jurisdiction of Municipal Corporation in the year 2019, therefore the registration of case under Section 292-C itself would not be applicable as on the date when the plotting was made it was not within the municipal limit, therefore the applicant may be granted benefit of anticipatory bail.
4. Learned State counsel is not able to dispute the fact that Mangla

wherein the land situate came within municipal limit by notification of 20th August, 2019 as per Annexure A-2.

5. Considering the fact FIR is about that in between 20th September, 2011 to 24th September, 2011, plots were carved out and were sold at that time area was not within the municipal limit. Taking into such fact, I am inclined to extend benefit of anticipatory bail to the applicant.

6. 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 local 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 him/her 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) 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/-

(Goutam Bhaduri)

JUDGE