

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRCA No. 571 of 2021**

- Dev Singh Uikey, S/o Late Shri Laxman Singh, aged about 53 Years, R/o Gram Nihampur Tahsil Pandariya, District Kabirdham, Chhattisgarh.

**----Applicant****Versus**

- State of Chhattisgarh, Through Officer In Charge, Police Station Sarkanda, District Bilaspur, Chhattisgarh.

**----Non-applicant**

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| For Applicant | Shri Rajeev Shrivastava, Advocate.    |
| For State     | Shri Ayaz Naved, Government Advocate. |

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**Hon'ble Shri Justice Gautam Chourdiya**  
**Order on Board****16/06/2021**

1. The matter is heard through Video Conferencing.
2. The applicant has preferred this first bail application under Section 438 of Cr.P.C. as he is apprehending his arrest in connection with Crime No. 731/2020 registered at Police Station Sarkanda, District Bilaspur, C.G. for the offence punishable under Sections 420, 467, 468, 471 & 120B of Indian Penal Code.
3. Case of the prosecution, in brief, is that complaint was made by the complainant that the co-accused Shrikant Mourya and Sachin Dighraskar have fabricated some false documents and

thereafter application was made before the Tehsildar. It is further alleged that the Tehsildar/applicant passed an order on 03.03.2017 for mutation. It is alleged that Revenue Case No.7-A/A-27/2016-17 was registered on the basis of a fabricated application and documents. Thereafter, land belonging to the complainant was mutated in the name of co-accused Shrikant Mourya. On the basis of written complaint, police of police station Sarkanda, District Bilaspur, registered the offence against the applicant and co-accused persons.

4. Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. He submits that the allegation against the present applicant is false and baseless. He submits that in this case co-accused Shrikant Maurya has already been granted anticipatory bail by the co-ordinate Bench of this Court in MCRCA No.1764 of 2020 vide order dated 17.03.2021 and charge sheet has not yet been filed. The applicant is ready to abide by all such conditions as may be imposed by this Court while granting anticipatory bail.
5. Learned Counsel appearing for the State opposes the bail application.
6. I have heard learned counsel for the parties.
7. Considering the facts and circumstances of the case, the nature of allegation leveled against the applicant, further

considering the fact that co-accused in this case has already been granted anticipatory bail by the co-ordinate Bench of this Court, the applicant has no criminal antecedents, though the matter is under investigation, however, no apprehension is shown by the State counsel of his absconding or tampering with or influencing the witnesses, no custodial interrogation of the applicant is required, without commenting anything on merits of the case, this Court is of the opinion that present is a fit case for granting anticipatory bail to the applicant. Accordingly, the 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 bail by the Arresting Officer on his furnishing a personal bond for a sum of Rs.50,000/- with two sureties of Rs.25,000/- each to the satisfaction of the Arresting Officer. Applicant shall be released on bail on the following conditions:-

- (i) he shall make himself available for interrogation before the Police as and when required,
- (ii) 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 from disclosing such fact to the Court or to the Investigating Officer,
- (iii) he shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iv) he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

- (v) he shall strictly follow the COVID-19 protocol issued by the Central Government / State Government / Local Authority.
- (vi) he shall not involve himself in any offence of similar nature in future.

Let a copy of this order be forwarded to the concerned police station forthwith who shall inform the trial Court in the event of applicant involving himself in similar offence in future.

Sd/-  
Gautam Chourdiya  
Judge

Akhilesh