

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1743 of 2020**

1. Prakashdas Manikpuri, S/o Shivdas Manikpuri, age 51 years, R/o Village Pamgarh, PS and Tahsil Pamgarh, District Janjgir Champa (CG)

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Shivrinarayan, District Janjgir Champa (CG)

---- Non-Applicant

For Applicant : Shri Sumit Singh, Advocate.
For Non-Applicant : Shri Ayaz Naved, Govt. Advocate.

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****04/03/2021 :**

1. The applicant has preferred this application for grant of anticipatory bail as he apprehends his arrest in connection with Crime No.354/2020, registered at Police Station Shivrinarayan, District Janjgir Champa for offence punishable under Section 420, 467 and 468/34 of the IPC.
2. One Kanaiya Lal Yadav owned an area ad measuring 7 acres approximately bearing Khasra No.869/25 at Village Tusma, PH No.14, RI Circle and Block Nawagarh, Tehsil Janjgir Champa. Out of the said area, an area of 1.60 hectares was acquired by the Collector, Janjgir Champa after negotiation, mutual agreement and consequent sale deed executed by Kanaiya Lal Yadav in favour of the State Government. As per the FIR lodged at the instance of concerned SDO (R), Kanaiya Lal Yadav has obtained more compensation than for which he was actually entitled by changing the map and division numbers of Khasra No.869/25. In substance by indulging in such illegal activity, the accused persons caused the land belonging to Kanaiya Lal Yadav to be shown and

situated at more strategic place, adjoining road so as to fetch more compensation.

3. As far as the present applicant is concerned, he is alleged to be holding the charge of Halka Patwari at the relevant point of time which fact is stoutly denied by learned counsel for the applicant. He would refer to the documents filed along with the bail application showing that in the year 2009, he was posted at PH No.18 Bhuigaon or PH No.24, Bhainstara.
4. Co-accused Kanaiya Lal Yadav has already been allowed anticipatory bail in MCRCA No.1647/2020 vide order dated 4.2.2021. The incident happened in the year 2009 and since then about 11 years have gone past and the FIR is now lodged in October, 2020.
5. Considering the entire fact situation of the case and for the fact that the applicant being a Government servant would suffer adversely in the event of his arrest, I am inclined to release him on anticipatory bail.
6. Accordingly, the application is allowed and it is directed that in the event of arrest of the applicant, he shall be released on anticipatory bail on his executing a personal bond for a sum of Rs.50,000/- with one surety in the like sum to the satisfaction of the arresting officer with the following conditions:-
 - (i) he shall not influence the witnesses during trial.
 - (ii) he shall make himself available for interrogation by a police officer as and when required;
 - (iii) 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 facts to the Court or to any police officer.

Sd/-
Judge
(Prashant Kumar Mishra)