

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 978 of 2016**

1. Rajesh Sonkar, S/o. B.L. Sonkar, aged about 45 years, R/o. Anandpuram Tower, Phase-2, Junwani Road, Kohka, Bhilai, District – Durg (C.G.)

----Applicant**Versus**

1. State of Chhattisgarh, Through : Police Station : Supela, District – Durg (C.G.)

---- Respondent

For Applicant	: Mr. H.B. Agrawal, Sr. Advocate with Mrs. Itu Rani Mukharjee, Advocate
For Respondent/State	: Mr. Sangharsh Pandey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****27/10/2016**

1. Apprehending arrest in connection with Crime No.704/2016 registered at Police Station- Supela, District – Durg (C.G.), for offence punishable under Section 420, 467, 468, 34 of Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. As per the prosecution case, a report was made by Anil Kumar, S/o. Fekani Bai that his father had purchased a land bearing Kh.No.1784, Plot No.5, area 2400 sq.ft. in the name of Fekani Bai on 27.03.1980 from Ful Bai and Pancho Bai. Subsequently, the applicant claiming the said land to be of his own on the basis of the sale deed dated 07.07.2008 though the said land was entirely different and threat was extended. Thereby the offence has been committed.

3. Learned counsel for the applicant would submit that no criminal case is made out and the nature of dispute is purely civil in nature and respective rival parties are claiming their right over the property. It is further submitted that a civil suit in respect of the same land is also pending for which demarcation to be done by the Commissioner has been ordered for. Therefore, the counsel prays that the applicant may be extended the benefit of Section 438 of Cr.P.C.
4. Per contra, learned counsel for the State opposes the application for grant of anticipatory bail.
5. I have heard learned counsel for the parties.
6. Perused the case diary, documents and the statement of Panchlal and the sale deed. Perusal of the document prima-facie it appears that nature of dispute is completely civil in nature for which a civil suit is pending, wherein respective parties claimed their right over the land. Taking into the facts and circumstances of the case, this Court is inclined to extend the benefit of anticipatory bail to the applicant, as no custodial interrogation may be required in this case.
7. 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 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) that 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.

Certified copy today.

Sd/-
(Goutam Bhaduri)
Judge