

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 696 OF 2015**

Dinesh Chincholkar, S/o Late Shri Padmakar Aawaji Chincholkar, aged about 60 years, (The Then Tahsildar Kunkuri, Jashpur)

Presently Posted as Tahsildar Janjgir, Police Station-Janjgir, Civil & Revenue District-Janjgir-Champa (C.G.)

---Applicant

Versus

State of Chhattisgarh, Through: The Station House Officer, Police Station Kunkuri, Civil & Revenue District-Jashpur (C.G.)

---Non-applicant

For Applicant	:	Mr. Paras Mani Shriwas, Advocate
For Non-applicant	:	Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****18/08/2015**

1. Apprehending arrest in connection with Crime No. 101/2014, registered at Police Station Kunkuri District Jashpur (C.G.), for the offence punishable under Sections 420, 467, 468, 34 of Indian Penal Code, the applicant has filed this second application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.

2. First bail application of the applicant was dismissed as withdrawn with liberty to file the same after filing of *Challan* vide order dated 12/11/2014 in M.Cr.C.(A) No. 926/2014.

3. Case of the prosecution, in brief, is that, applicant granted *Patta* to the co-accused Pradeep Kujur on the strength of forged order of Commissioner dated 07/12/2011 and also issued *Bhu-Adhikar Abhilekh* and

thereby committed offence.

4. Learned counsel for the applicant would submit that applicant has not committed any offence and has been falsely implicated in offence in question. He would further submit that in fact, the order of Commissioner dated 07/12/2011 was produced before him and he issued proclamation invited objection, thereafter, revenue proceeding was initiated on 19/09/2012 and ultimately on 27/06/2013, the order of Commissioner, Surguja Division has been complied by the applicant acting bonafidly and *Bhu-Adhikar Abhilekh* was issued. He would further submit that applicant was not aware that the order of Commissioner was forged one, it could be come on light by inquiry report dated 31/07/2014 made by Sub-Divisional -Officer, Kunkuri. He would further submit that applicant has discharged his duty strictly in accordance with law and he is Tahsildar, as such, he is not likely to abscond, if granted privilege of anticipatory bail.

5. On the other hand, learned State counsel would oppose the bail application.

6. I have heard learned counsel appearing for the parties and perused the case diary.

7. Taking into consideration the nature and gravity of the offence and taking into account the fact that pursuant to the order of Commissioner dated 07/12/2011 which is said to be forged, he issued proclamation, invited objection in duly constituted revenue proceeding and ultimately passed an order on 27/06/2013 finding no objection in the said grant and further taking note of fact that the said forged order was obtained by main accused Pradeep Kujur, who has been granted bail under Section 167(2) of the Cr.P.C. by the trial Court; and also considering the fact that the applicant is Tahsildar, is not

likely abscond and looking to his act, which is said to be bonafide, this Court is inclined to extend the benefit of anticipatory bail in favour of the applicant.

8. Accordingly, this second application is allowed and it is directed that in the event of arrest of the applicant in connection with aforesaid offence, he shall be released on bail by the Officer arresting him on his executing a personal bond in the sum of **Rs. 25,000/-** with one surety in the like sum to the satisfaction of the concerned Investigating/Arresting Officer. The applicant shall also abide by the following conditions:-

- (i) that he shall make himself available for interrogation before the concerned Arresting/Investigating Officer as and when required;
- (ii) that 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 facts to the Court or to any police officer;
- (iii) that he shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that he shall also appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

9. The Superintendent of Police, Jashpur is directed to inquire as to why charge sheet was not filed against main accused-Pradeep Kujur within prescribed period and to take appropriate action against person who committed default in not filing the charge sheet within prescribed time.

10. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
JUDGE