

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 636 of 2015

Komal Chand Kosle S/o Phul Chand Kosle Aged About 48 years Presently Posted As Patwari At Village Suhela Tehsil Office Simga, R/o Suhela Bhathapara (Sahar) District- Balodabazar-Bhatapara, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through: Station House Officer, P.S.- Bhathapara (Gramin), District- Balodabazar-Bhathapara, Chhattisgarh

---- Respondent

For Applicant	:	Shri Kishore Bhaduri, Advocate
For Respondent/State	:	Shri R.K.Gupta, Dy.A.G.

Order On Board

12/08/2015

Heard.

This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No.145/2015, registered in Police Station- Bhathapara (Gramin), District -Balodabazar -Bhatapara, for alleged commission of offence under Sections 420, 465, 467, 468, 471 and 167 of the IPC.

Case of the prosecution, in brief, is that though the land in respect of which lease was earlier cancelled and it was again directed to be recorded as grass land, the applicant, on the application of son of erstwhile lease holder, again entered the name of beneficiaries as the lease holder.

Learned counsel for the applicant submits that applicant, in view of order of the Revenue Inspector and Tahsildar, which recognized the deceased as well as his son as the lease holder, proceeded to make a correction in the entries of revenue records.

On the other hand, learned counsel for the State submits that the act of the applicant in entering the name of the son of erstwhile holder without making proper inquiry into all the revenue records, prima facie shows that this was done knowingly that the lease has earlier been cancelled.

Taking into consideration the submissions made by learned counsel for the parties, particularly taking into consideration that the basis on which the applicant has entered the name of the son of lease holder is based on the certification of Revenue Inspector and also the Tahsildar regarding lease in favour of erstwhile lease holder, I am inclined to allow the application.

The application is accordingly allowed. 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 arresting officer on his furnishing a personal bond in the sum of Rs.20,000/- along with one local surety for the like amount to the satisfaction of the arresting officer with following further conditions that:

- (i) the applicant shall make himself available for interrogation by the police officer as and when required;
- (ii) 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 from disclosing such facts to the Court or to any police officer;

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
JUDGE

Praveen