

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 761 of 2015

Sankirtan Dehari S/o - Late Rooplal Dehri Aged About 59 Years Occupation - Government Service (Revenue Inspector), R/o - Sonkar Para Raigarh, Tahsil - Raigarh, P.S. Chakradharnagar, Civil & Revenue District Raigarh Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through : S.H.O. Of The Police Station - Chakradharnagar, District - Raigarh Chhattisgarh

---- Respondent

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

Order On Board

20/08/2015

Heard.

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No.280/2011 , registered in Police Station- Chakradhar Nagar, Raigarh, for alleged commission of offence under Sections 420, 467, 468, 471 and Section 120-B of the IPC.
2. Case of the prosecution, in brief, is that one Ashish Chidipal had sold the land of the complainant Kalptaru Sales Pvt.Ltd. through its Director Sanjeev Saraogi, but later on, Ashish fraudulently sold the same land to another purchaser Deepak Agrawal without notice and knowledge of Sanjeev.

Allegation against the present applicant is that at the relevant time, he was Revenue Inspector and without there being any application by Sanjeev, the applicant issued 22 Points report on the request of Ashish.

3. Learned counsel for the applicant submits that in so far as applicant is concerned he is innocent. Information certified by him is strictly as per revenue records in which the name of Kalptaru Sales Pvt. Ltd. through its Director Sanjeev has been mentioned. He submits that it was a coincidence that the date on which the application for issuance of 22 Points report was submitted, all the Patwaris were on strike and he was instructed by the Tahsildar to issue 22 Points report which the applicant did as per the available records which were duly verified by the Tahsildar

before issuance. The information was given not on the application of Ashish, but on the application of Sanjeev Saraogi himself.

4. On the other hand, learned counsel for the State submits that the co-accused Ashish could succeed in perpetrating fraud with the help of 22 Points report issued by the applicant. The act of the applicant in issuing 22 Points report without there being any application by owner Sanjeev, itself indicates his prima facie involvement.
5. Taking into consideration the submissions made by learned counsel for the parties, taking into consideration that the information which was given by the applicant was as per the revenue records and not any false information and secondly that according to the applicant and his statement, which was immediately recorded by the police that he had to issue report as Patwaris were on strike and as directed by the Tahsildar and that till date there is no material on record to show that signatures of Sanjeev on the sale deed are forged and further taking into consideration that Sanjeev in his diary statement admits that sale deed contained his own photograph as also the statement of the Registering Authority that he verified photograph of the person present for registration of sale deed , I am inclined to allow the application.
6. 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