

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC(A) No. 1074 of 2015

Paduman Singh, son of late Shri Sukhsagar Singh Kashtriya, aged about 61 years, resident of village Akaltara, Tahsil & Thana Akaltara, District Janjgir Champa, Chhattisgarh
--- **Applicant**

Versus

State of Chhattisgarh, through the District Magistrate, District Janjgir Champa, Chhattisgarh
--- **Respondent**

For the applicant	:	Mr. Arvind Shrivastava, Advocate
For the Respondent	:	Mr. Ramakant Mishra, Deputy A.G.
For the Objector	:	Mr. Pushkar Sinha, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

05.11.2015

1. Apprehending arrest in connection with Crime No. 271/2013 registered at Police Station Akaltara, District Janjgir Champa (C.G) for the offences punishable under Sections 420 IPC, the applicant has filed this application under Section 438 Cr.P.C., for grant of anticipatory bail.
2. As per the prosecution case, a complaint was made by one Sharda Singh, resident of Akaltara alleging that the applicant Paduman Singh who is brother of the complainant, after death of their father Sukh Sagar Singh, had submitted an affidavit before the Tahsildar on 08.08.2010 suppressing the fact that complainant is also legally entitled to the property and ignoring her name, got his name mutated in the revenue records. It is alleged that false affidavit was filed wherein the name of complainant was ignored.
3. Learned counsel for the applicant submits that during investigation the police enquired into the matter and called for the said alleged affidavit but the said affidavit is not present in any revenue records and further submits that even otherwise, if the names are mutated in the revenue records, it will not decide the title of the property and the entry in the revenue records is subject to correction by way of statutory appeal as provided under the Land Revenue Code. He therefore submits that under these circumstances, no case is made out against the applicant as false averments have been made.
4. Per contra, learned State Counsel and also learned counsel for the

objector oppose the prayer for grant of anticipatory bail. Learned state Counsel submits that the applicant has submitted false affidavit wherein the name of Sharda Devi was ignored and consequently, she would be deprived of her right in the property of the father.

5. I have perused the case diary which shows that mutation proceedings were drawn before the Tahsildar and after the report was made a memo dated 17.01.2015 was sent by the Tahsildar, Akaltara to the Station House Officer wherein it is stated that the affidavit in question has not been placed by applicant Paduman Singh at any point of time, therefore, it appears that it is a case of mutation proceeding between the family members wherein mutation of the name in the revenue records is being questioned by the parties. Considering the nature of dispute, it appears that the allegations leveled against the applicant are in civil nature. Consequently, I am inclined to allow the application for grant of anticipatory bail to the applicant.
6. 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 officer arresting him or the concerned Investigating Officer. The applicant shall also abide by the following conditions :-
 - (i) that shall make himself available for interrogation before the 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 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 appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE