

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1142 of 2015

- Faag Lal, son of Late Shri Daani Ram, Aged About 65 Years, Resident of Vil : Rampur, P. S. - Chichola, Dongargarh, Civ : & Rev : Dist. : Rajnandgaon (Chhattisgarh)

--- Petitioner

Versus

- State Of Chhattisgarh S/o through Police Choucki- Chichola, P. S. - Churiya Dongargarh, Civ. & Rev : Dist. Rajnandgaon (Chhattisgarh)

---- Respondent

For the applicant : Mr. Devershi Thakur, Advocate.

For the Respondent : Mr. Neeraj Jain, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

27.11.2015

1. Apprehending arrest in connection with Crime No. 140 of 2014 registered by Police Chowki Chichola, Police Station Churiya Chhattisgarh for the offences punishable under Sections 420, 467, 468, 471/34 IPC, the applicant has filed this application under Section 438 Cr.P.C.
2. As per the prosecution case, the applicant was granted lease of government land by making interpolations in the revenue records and thereafter, he sold the land to co-accused Atik Ahmed thereby, the offence is committed.
3. Learned counsel for the applicant submits that the applicant was granted lease by the competent authority of State Government i.e., Naib Tahsildar which is not in dispute and even if the nature of land was described as grass land or otherwise government land, it is different issue then in such

a case the applicant cannot be held criminally liable. He further submits that co-accused Patwari and Naib Tahsildar who have granted lease in favour of the applicant have already been granted bail and the applicant who was granted lease Patta has rightly sold the property after it was granted on lease, therefore, he may be extended the benefit of anticipatory bail.

4. Per contra, learned State Counsel opposes the bail application and submits that he authored the entire issue and got the Patta in his name and thereafter sold it to co-accused Atik Ahmad.
5. I have perused the case diary which shows that a lease was granted in the name of applicant by the State Government through Naib Tahsildar and admittedly, Naib Tahsildar and other co-accused Patwari have been granted bail by the coordinate Bench of this Court.
6. Considering the fact that prima facie the lease deed was existing in favour of the applicant and the authenticity of the said lease is still to be adjudicated and taking into totality of the facts and circumstances, I am inclined to release the applicant on anticipatory bail.
7. Accordingly, the 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 each 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 he 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

Rao