

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 930 of 2015

1. Smt. Ramkuwar W/o Ghasiram Aged About 49 Years Occupation House Wife, R/o Village Chhirpani, Post Pharkanara, Police Chowky Jobi, Tah. Kharsia, Civil And Rev. Distt. Raigarh, Distt. Raigarh Chhattisgarh.
2. Smt. Lokeswari W/o Padumlal Aged About 49 Years Caste Kavar, Occupation House Wife, Village Agasmar, Post Chandrasekharapur, Police Chowky Jobi, Tah. Kharsia, Civil And Rev. Distt. Raigarh, Distt. Raigarh Chhattisgarh.
3. Ajit Singh S/o Dhansai Aged About 40 Years Caste Kavar, R/o Village Chhote Pandarmuda, Police Chowky Jobi, Tah. Kharsia, Civil And Rev. Distt. Raigarh, Distt. Raigarh Chhattisgarh.
4. Kriparam S/o Ganeshram Aged About 56 Years Caste Gode, R/o Village Akashmar, Police Chowky Jobi, Tah. Kharsia, Civil And Rev. Distt. Raigarh, Distt. Raigarh Chhattisgarh.
5. Umed Singh S/o Thakurram Aged About 45 Years Caste Kavar, R/o Village Chhote Pandarmuda, Police Chowky Jobi, Tah. Kharsia, Civil And Rev. Distt. Raigarh, Distt. Raigarh Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through Police Chowky Jobi, Police Station Kharsia, Distt. Raigarh Chhattisgarh.

---- Respondent

For Applicants	:	Shri Sanjay Agrawal, Advocate
For Respondent/State	:	Shri D.R. Minj, Dy.Govt.Advocate

Order On Board

22/09/2015

Heard.

1. This application under Section 438 of Cr.P.C. has been filed by the applicants apprehending their arrest in connection with Crime No.10 of 2015, registered in Police Station- Kharsiya, District- Raigarh, for alleged commission of offence under Sections 420, 120-B, 463, 464, 466, 468 & 471 IPC.
2. Case of the prosecution, in brief, is that the applicants fraudulently passed resolution as Panch and Sarpanch of Gram Panchayat regarding death of Sukhwaro Bai. On that basis, the relatives of Sukhwaro, who was alive, succeeded in getting their name

mutated in the records of rights on a false information of death of Sukhwaro Bai.

3. Learned counsel for the applicants submits that the Gram Panchayat proceedings were drawn upon receipt of application for mutation and by beating drums, objections were invited and when no objection was received, Gram Panchayat passed resolution. Therefore, at the most, it can be said to be a case of negligent performance of duty, but not involving any criminality.
4. On the other hand, learned counsel for the State submits that prima facie passing of resolution affirming death of a person without proper verification shows that the applicants were knowing fully well that Sukhwaro Bai is alive, yet they proceeded to pass resolution which is an act of committing offence as alleged against them.
5. Taking into consideration the submissions made by learned counsel for the parties, particularly taking into consideration that the objections were invited and, thereafter, the resolution was passed, I am inclined to allow the application.
6. The application is accordingly allowed. It is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail by the arresting officer on each of them 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 applicants shall make themselves available for interrogation by the police officer as and when required;
 - (ii) the applicants 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