

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 712 of 2015

Mangal Chand Tandan S/o Late Shri Patiram Tandan Aged About 57 years R/o Village Uraidabri, Thana Chichola, Tah. And District Rajnandgaon Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Chhuria, District Rajnandgaon Chhattisgarh.

---- Respondent

Ms. Smita Jha, counsel for the applicant/s.
Shri Satish Gupta, Govt. Adv. for the State.

Order On Board

10/08/2015

Heard.

The applicant is apprehending his arrest in connection with crime No.140/14 registered at police station Faglal was regularized by granting him lease in respect of grass land.

2. Case of the prosecution is that long encroachment of one – Faglal was regularized by granting him lease in respect of grass land.

The allegation against the applicant is that on the basis of the report of the applicant, Tahsildar proceeded to grant *patta*.

3. Learned counsel for the applicant submits that the report submitted by the applicant was factually correct in which it was stated that the applicant – Faglal is an encroacher and the nature of land encroached was grass land. If on this basis, Tahsildar proceeded to pass an order of grant of *patta*, no criminality is involved.

4. On the other hand, learned State counsel submits that the Tahsildar, Patwari, Faglal and purchaser of the land, all conspired to grab the grass land by first getting it regularized by getting it leased and sell it to co-accused - Atik Ahmed.

5. Taking into consideration the submission that the report of the applicant was factually correct and the status of the land as grass land and nature of possession of Faglal as encroacher was stated therein, the application is allowed.

6. 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