

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5129 of 2015

Lokeshwar Singh Maitri S/o Late Firtu Ram Maitri Aged
About 43 Years R/o Village Supatarai, P.S. Tahsil
Kartala District Korba, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through - Out Post Rajgamar,
P.S. Balco Nagar, District Korba, Chhattisgarh

---- Respondent

For Applicant	:	Shri Kalyan Kalamkar, Advocate.
For Respondent	:	Shri Neeraj Kumar Sharma, Dy. G.A.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

04/12/2015

Heard.

1. This is second application for grant of bail. First application was dismissed as withdrawn with liberty to apply in case of delay in trial.

2. The applicant has moved this application under Section 439 of the Cr.P.C. for grant of regular bail in connection with Crime No.153/2014 registered at Police Station- Outpost Rajgamar, P.S. Balco Nagar, District Korba, Chhattisgarh for the offence punishable under Sections 420, 467, 468/34 of

I.P.C. The applicant has been arrested on 01.05.2014.

3. Case of the prosecution is that some of the Government lands were recorded in the name of co-accused Ratanlal Rajak, Jawahar Chouhan and many others. These lands were sold by sale deed in favour of private persons. Allegation against the applicant is that he was posted as Patwari and he issued forged documents showing land recorded in the name of private persons whereas the land belong to the Government.

4. Learned counsel for the applicant submits that the involvement of the applicant in the alleged incident is on the basis that the applicant prepared and issued *Rin Pustika* and 22 points information. It is argued that the applicant had no role to play in preparation of basic records of khasra and kishbandi wherein, the name of private persons were already recorded. On application made, the applicant only provided copies of the records which were available in the office. Therefore, the applicant has not committed any offence. It is next submitted that the applicant has remained in jail since 01.05.2014 and till date, trial has not been concluded. Out of 22 witnesses, only 11 witnesses have so far been examined. The case has been delayed because of filing of supplementary charge-sheet by the prosecution. There are no material in the charge-sheet to prove that the land is actually recorded as Government lands nor there is any statement of the prosecution witnesses as revenue officers to prove that the land was actually recorded as Government lands.

5. On the other hand, learned counsel for the State opposes prayer for grant of bail and submits that the applicant was posted as Patwari and he is in complete know of the relevant records and actual position that the lands are Government lands. He cannot tell shelter that earlier the records were prepared in the name of private persons and on

that basis, he issued 22 points information and *Rin Pustika*.

6. Considering the submission of learned counsel for the parties, I am inclined to allow the application, particularly taking into consideration the detention of the applicant for the last 1 ½ years and that trial is not likely to be concluded early. The applicant is a Government servant, therefore, he is not likely to abscond. Accordingly, the application is allowed.

7. It is directed that the applicant shall be released on bail on furnishing a personal bond in the sum of Rs.25,000/- along with two local sureties for the like amount to the satisfaction of the concerned trial Court. He shall appear before the Court below on the date as directed by the concerned Court, unless exempted from appearance.

8. Certified copy as per rules.

Sd/-

(Manindra Mohan Shrivastava)

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