

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C.(A) No. 1217 of 2015

1. Devendra Kumar Pathak, S/o. Shri G.P. Pathak, aged about 35 years, Occupation- Patwari, Village Amlidih, Patwari Halka No.10, R/o. Village Amlidih, P.S. - Amleshwar, Tahsil – Patan, District – Durg (C.G.)

----Applicant

Versus

1. The State of Chhattisgarh, through : S.H.O., Police Station – Amleshwar, Tahsil- Patan, District – Durg (C.G.)

---- Respondent

For Applicant	: Dr. N.K. Shukla, Sr. Advocate with Mr. P.R. Patankar, Advocate
For Respondent/State	: Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

10/12/2015

1. Apprehending arrest in connection with Crime No.53/2015, registered at Police Station- Amleshwar, District – Durg (C.G.), for offence punishable under Section 420, 467, 468, 471 & 120-B/34 of Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. As per the prosecution case, it is alleged that the applicant, who was working as Patwari on the basis of order passed by the Naib Tahsildar, he made duplicate Rin Pustika and on the basis of the Rin Pustika, power of attorney has been executed in favour of Khemlal Sahu and on the basis of power of attorney, sale deed has been executed in favour of Harish Sharma by Khemlal Sahu on 28.11.2013 though the persons, who have executed the power of attorney were died long

back.

3. Learned counsel for the applicant would submit that, he has been falsely implicated in the case. He would further submit that the applicant has only followed the order of the Naib Tahsildar, thereby he has issued Rin-pustika and he has not committed any crime. Therefore, he prays that the applicant may be extended the benefit of anticipatory bail.
4. Per contra, the learned State counsel opposes the prayer for grant of bail and would submit that preparation of Rin-pustika, it is to be forwarded by the Patwari, therefore, the applicant is not entitled for grant of anticipatory bail.
5. I have perused the case diary and the documents. Perusal of the case diary would show that it is not a case where the provisions of Section 438 to be extended as looking to the nature of crime it appears that custodial interrogation of the applicant may be required. Therefore, I am not inclined to grant anticipatory bail to the applicant.
6. Accordingly, the anticipatory bail application is dismissed.

Sd/-
(Goutam Bhaduri)
Judge