NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 596 of 2015

Manoj Kujur S/o Nestore Kujur Aged About 37 years R/o Village Tara, Out Post Tara, Police Station Premnagar, Civil And Revenue District Surajpur, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through: Station House Officer, Police Station- Premnagar, District- Surajpur, Chhattisgarh

---- Respondent

For Applicant	-	Mr. Kishore Narayan, Advocate
For Respondent/State	-	Mr. Satish Gupta, Government Advocate

Order On Board

10/08/2015

Heard.

1. The applicant is apprehending his arrest in connection with Crime No.23/2015 registered at police station – Premnagar, District-Surajpur (C.G.) for alleged commission of offence under Section 420, 467, 468, 120-B of IPC.

2. Prosecution case is that the land, in which Manglu, son of Sohan had a share by survivorship, was sold by other co-sharers without any notice and information of Manglu. Allegation against the applicant, who was posted as Patwari at the relevant time, is that applicant issued revenue documents which did not contain the name of Manglu and gave a false information that Manglu does not have a share recorded in the revenue records.

3. Learned counsel for the applicant submits that the applicant issued certified copies of khasra entries on the basis of existing records which did not contain the name of Manglu. It is not a case where he interpolated records by omitting name of Manglu while issuing certified copies. It is next contended that upon enquiry made, applicant stated that as per revenue records, Manglu is not one of the share holder. This information is not false because in his capacity as Patwari, he cannot declare or decide entitlement of any party but he can only state facts as obtaining in revenue records.

4. On the other hand, learned State counsel opposes prayer for grant of bail and submits

that even if, name of Manglu was not recorded in the revenue records, Manglu was one of the co-sharers after death of his father. The certified document of khasra entries, on which basis, the sale deed was executed did not state these facts, moreover, after registration of sale deed when Manglu raised objection and report was obtained from the applicant, the applicant gave misleading information.

5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the submission that certified copies of revenue entries issued by the applicant are not contrary to existing revenue records and that the basis of issuing certified copies and submitting report is that revenue records did not contain the name of Manglu nor was there any order of mutation passed by Tehsildar in favour of Manglu and that the applicant is a Government servant, 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 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 and the applicant shall abide by all the following terms and conditions -

(i) that the applicant shall make himself available for interrogation by a Police 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 from disclosing such facts to the Court or to 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.

Certified copy as per rules.

Sd/-

Manindra Mohan Shrivastava

J U D G E

Rekha