

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C. (A) No. 1015 /2015

1. Rajkumar Sharma, S/o. Shri Krishnakumar Sharma, Aged About 55 Years, R/o. Heerapur Road, Tatibandh, Police Station Amanaka, Raipur, Civil & Revenue District Raipur, Chhattisgarh.
2. Vishal Sharma, S/o. Shri Rajkumar Sharma, Aged About 30 Years, R/o. Heerapur Road, Tatibandh, Police Station Amanaka, Raipur, Civil & Revenue Distt. Raipur, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh, Through the Station House Officer, Police Station Civil Lines, Raipur, Civil & Revenue Distt. Raipur, Chhattisgarh.

---- Respondent

For Applicants	:	Mr. Prateek Sharma, Advocate
For Respondent	:	Mr. O.P.Sahu, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

19/11/2015

1. Apprehending arrest in connection with Crime No.513/2015 registered at Police Station- Civil Lines, District Raipur (C.G.) for the offence punishable under Sections 409, 420, 467, 468, 471 & 120B of the Indian Penal Code, the applicants have preferred this application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution case, in brief, the applicants have purchased certain lands at village Sondongari near Raipur and thereafter got it diverted with the connivance of the State Officers though the lands were recorded for industrial and entertainment purpose, however, the lands were got diverted for residential and other commercial purpose and thereby, the offence has been registered and the matter is being investigated.
3. Learned counsel for the applicants submits that the diversion, if any, had been made, it may only amount to irregularity and State is within its domain to cancel the same. He further submits that there is no dispute regarding title and ownership of the lands of the

applicants and mere diversion of the land for the purpose other than recorded do not make out any criminality and it can be canceled. Therefore, the applicants have not committed any offence and, as such, they may be granted the benefit of anticipatory bail.

4. Per contra, learned State counsel opposes the prayer for grant of anticipatory bail. He would submit that the allegations are that with the connivance of the Government Officers, the land which was recorded for industrial purpose got diverted for residential and commercial purpose. It is further submitted that the challan which were required to be paid for the diversion were forged, which were verified by the Treasury and when the required challan were verified it was found that those challan do not exists. Therefore, he submits that the investigation is in the initial stage and considering the nature of offence, the applicants may not be enlarged on anticipatory bail.
5. I have heard learned counsel for the parties and perused the case diary.
6. The case diary contains communication of Treasury which purports that the challan which were said to be paid for diversion were not paid in the Government Treasury and copy of Treasury challan were said to be forged; further taking into the documents since the charges are under the aforesaid Sections, as the diversion of the land according to the Raj-Patra was within the domain of the State Government and taking into the fact that the investigation is still going on, I am not inclined to grant anticipatory bail to the applicants, as perusal of case diary would indicate that it is not a case wherein it can be assumed that custodial interrogation may not be required. Consequently, I am not inclined to allow the application.
7. Accordingly, the anticipatory bail application is dismissed.

Sd/-
(Goutam Bhaduri)
Judge