

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 75 of 2016

- Manas Raj Kanhaiya S/o Late Shri Ratan Lal Kanhaiya
Aged About 32 Years R/o Halka Patwari, Patwari Halka
No. 44, R.I. Circle Pilka, Village Podipa, Tahsil & Distt.
Surajpur, Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh Through The Station House Officer,
P.S. Jainagar, Distt. Surajpur, Chhattisgarh -**Respondent**

For the applicant : Mr. Sunil Tripathi & Mr. Apoorva
Tripathi, Advocates.

For the Respondent : Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

30.03.2016

1. Apprehending arrest in connection with Crime No. 248 of 2015 registered at Police Station Jainagar, Surajpur, Distt. Surajpur (C.G) for the offences punishable under sections 419, 420, 467, 468 & 120-B of IPC, the applicant has filed this application u/s 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution case, the applicant who was appointed as a Patwari in Circle No.44 at village Pilka, two persons namely Akash Pandey and Sudhama Shrivastava approached him alongwith two persons personating as Peer and Gahawar. It was further stated that they are not in hold of Rinpustikas and the Patwari thereafter on the basis of such representation issued Rin Pustikas to Peer and Gahawar. Subsequently the sale was made in favour of one Purushottam Agrawal in

the month of July 2015 by two different sale deeds and while Purushottam Agrawal wanted to get the revenue records corrected, it revealed that Peer and Gahawar have died and thereby it is alleged that the offence has been committed.

3. Learned counsel for the applicant would submit that the numbers of Rinpustikas were received by the applicant being Patwari and since he joined a few days back in the respective circle of the village, he was not in know of the persons personally and on the basis of representation made by Akash Pandey and Sudhama Shrivastava, Rinpustikas were issued to two persons i.e., Peer and Gahawar since they were otherwise in hold of necessary revenue documents. Subsequently when it was informed by the Sarpanch to the present applicant that Peer and Gahawar were dead, he immediately made a report to the higher officials to make an enquiry that he has been defrauded. Thereafter on the basis of that report, a detailed enquiry was conducted by the SDO and Tahsildar and in the enquiry it was ultimately found that the applicant himself has been defrauded and therefore departmental enquiry was recommended against this applicant. Learned counsel for the applicant therefore submits that no criminality is ascribed to present scenario of these entire facts. It is also submitted that Since the report was made at the behest of the applicant himself that he was defrauded by misrepresentation as actual landholders Peer and Gahawar though were dead, but personifications were made by two people. It is submitted that on the report of applicant itself enquiry

started and facts came to fore. He, therefore, submits that taking into to such facts the applicant may be enlarged on anticipatory bail.

4. Per contra, learned State Counsel opposes the prayer for grant of bail.
5. The enquiry report dated 20.11.2015 submitted by the Naib Tahsildar as also the order of the SDO dated 23.11.2015 are on record wherein it is held that the applicant himself has been defrauded and became victim of conspiracy. Such inquiry was made by the Naib Tahsildar and the SDO of Revenue Department.
6. After perusal of the enquiry report and the order of the SDO and further considering the documents attached to the case diary and looking to the role played by the applicant, prima facie it appears that the applicant himself was defrauded. Therefore, I am inclined to allow this application.
7. Accordingly, the application is allowed and 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 officer arresting him on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the officer arresting him or the concerned Investigating Officer. The applicant shall also abide by the following conditions :-
 - (i) that he shall make himself available for interrogation before the investigating 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/her from disclosing

- such facts to the Court or 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.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE

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