

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 700 of 2016

- R.K.Kripal S/o Sonuram Kripal Aged About 53 Years Sub Divisional Officer, R/o Tokpal, District Bastar, Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Pathalgaon, District Jashpur, Chhattisgarh. --- **Respondent**

For the applicant : Ms. K. Tripti Rao, Advocate.
For the Respondent : Mr. Neeraj Sharma, Dy. Govt. Adv.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

10.08.2016

1. This is first bail application filed under Section 438 of the Code of Criminal Procedure seeking grant of anticipatory bail to the applicant in connection with Crime No. 311/2015 registered at P.S. Pathalgaon, Distt. Jashpur (C.G) for the offence punishable u/ss 420, 467, 468, 471 & 120-B IPC.
2. As per the prosecution case, the applicant who was working as Tahsildar and was also officiating as Sub-Registrar at the relevant time with the connivance of clerk Vijaykant Dwividi and Halka Patwari Blasidiyus Toppo got certain lands of aboriginal tribes registered in favour of Manish Agrawal a non-tribal person though the land belonged to aboriginal tribes and also manipulated the area though actually the lands were not in existence thereby the offence is committed.
3. Learned counsel for the applicant would submit that he only discharged the duties of Tahsildar-cum-Sub Registrar and being the registering authority he has relied/worked upon the documents prepared by the then Patwari Blasidiyus Toppo. She further submits that the applicant being Tahsildar discharged the job of Sub-Registrar and could not have refused the registration of the sale deed and

accordingly discharged his official duty, therefore, no criminality can be attributed and the applicant may be enlarged on anticipatory bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the case diary documents, which show that the applicant was discharging the job of Tahsildar-cum-Sub-registrar. The sale deed contains 17 point enquiry which was signed by Blasidiyus Toppo and on the basis of that subsequent sale deed was registered. Therefore considering the role played by the applicant, I am inclined to allow this bail petition.
6. 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