

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC(A) No. 139 of 2016

Jagdish Prasad Sahu, son of late Motilal Sahu, aged about 56 years, resident of village & Post Janjgir, Hasdo Vihar, District Janjgir Champa (C.G) ... **Applicant**

Vs.

State of Chhattisgarh through the Station House Officer, Police Station Janjgir, District Janjgir Champa (C.G) **Respondent**

For the applicant : Mr. Goutam Khetrapal, Advocate.
For the Respondent : Mr. Sangharsh Pandey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

21.03.2016

1. Apprehending arrest in connection with Crime No. 29 of 2011 registered at Police Station Janjgir District Janjgir Champa (C.G) for the offences punishable under sections 420, 467, 468 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, certain lands were acquired at Janjgir for the development of colony and in order to make an approach road to the colony, different lands were acquired. The petitioner's wife was holding the land bearing Khasra No.4273/7 which was admeasuring 0.44 acres but according to the prosecution land of Khasra No.4373/7 was acquired instead of land bearing Khasra No.4273/7 and by interpolation, the applicant who is the Revenue Inspector was able to get the double the land of acquisition, thereby the offence is committed.

3. Learned counsel for the applicant would submit that the petitioner's wife was owner of the land of Khasra No. 4273/7 admeasuring 0.44 acres, and the land bearing Khasra No. 4373/7 was not acquired which belongs to one Ashish and it was only 0.30 acres whereas the acquisition is of 0.38 acres, therefore, in the final list of land acquired by the Collector, due to typographical mistake Khasra No.4373/7 was published instead of Khasra No.4273/7. He submits that actually the land has been acquired which would be evident from Panchshala Khasra No.4273/7 wherein it would show that the land admeasuring 0.38 acres was acquired for the road. He therefore submits that the applicant has not committed any offence and prays for releasing him on anticipatory bail.
4. Per contra, learned State Counsel opposes the prayer for grant of bail.
5. Perused the list of lands acquired by the Collector wherein as against the name of Purnima who is wife of applicant, Khasra No.4373/7 has been said to be acquired by Panchsala Khasra which is placed on record by the applicant wherein Kh.No.4373/7 is recorded in the name of one Ashish which is of area 0.30 acres whereas the acquisition was made of 0.38 acres. Perused the panchsala Khasra No.4273/7 which was recorded in the name of Purnima and in the acquisition column, it is stated that 0.38 acres have been acquired under the road. The documents Panchshala Khasra are also annexed to the bail application.
6. Taking into such facts, apparently it appears that in the

final list of land acquisition, probably by mistake Khasra No.4373/7 was published instead of Khasra No.4273/7. Prima facie, it appears that acquisition was made in respect of land bearing Khasra No.4273/7 admeasuring 0.38 acres. Taking into such documents of Khasra Panchsala, I am inclined to extend the benefit of section 438 Cr.P.C., to the applicant.

7. Accordingly, this 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

