

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) 915 Of 2015**

Benjamin Sikka S/o.I.D. Sikka, aged about 40 years, Occupation Service, presently posted as Naib Tahsildar and posted at Kabirdham, now working as Patwari at Tahsil Office, Pithora, District Mahasamund, R/o Village Lakagarh, Tahsil-Pithora, Dist.Mahasamund (CG)

-----Applicant

Versus

State of Chhattisgarh, through Station House Officer, Police Station-Pithora, District-Mahasamund (CG)

---- Non-applicant

For Applicant	:	Mr.Rajeev Shrivastava, Advocate
For Non-applicant	:	Mr.O.P.Sahu, G.A.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

14/01/2016

1. Apprehending arrest in connection with Crime No.146/2015, registered at Police Station-Pithora, District-Mahasamund (CG), for the offence punishable under Sections 420, 467, 468 and 471 of the IPC, the applicant has filed this application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. Case of the prosecution, in brief, is that the applicant while posted as Patwari at village Dongripali, Patwari Halka No.9 issued 16 points certificate in favour of Ramnath and Kuleshwari Bai holding Kh.Nos. 902 and 906, area 2.19 hectares to be their Bhumiswami rights and further certified that same is not the land allotted to them on government lease and thereby committed the aforesaid offences.

3. Learned counsel appearing for the applicant would submit that the applicant has not committed any offence and he has falsely been implicated in offence in question. He would further submit that the Sub-Divisional Officer (Revenue), Pithora has initiated full-fledged inquiry in revenue case in which on 25.2.2015 he has recorded the finding that the applicant is not responsible as on day during which the lands were recorded as Bhumiswami right in favour of Ramnath and Kuleshwari Bai, the applicant was not posted therein. He would also submit that when the applicant was selected on promotional post of Naib-Tahsildar, at the instance of some unknown complaint, false case has been registered against the present applicant.
4. On the other hand, learned Government Advocate for the State would oppose the bail application and submit that the land is Bhumiswami land, but that land was granted to Ramnath and Kuleshwari Bai on government lease, therefore, it is not the case for grant of anticipatory bail.
5. I have heard learned counsel for the parties and perused the case diary.
6. It appears from perusal of case diary that land bearing Kh.Nos.902 and 906, area 2.19 hectares was stated to be shown in the names of Ramnath and Kuleshwari Bai as their Bhumiswami right and the Sub Divisional Officer (Revenue), Pithora has also recorded the finding that in the year 1987-88 in Mishal Bandobast the aforesaid lands were recorded in the Bhumiswami right and at that time, the applicant was not posted therein. So far as recording the land in 16 points is not

the land granted on lease by Government or it is not the governmental land is as the matter of records and investigation is going on.

7. Taking into consideration the role of the present applicant in the offence in question, the nature of dispute pending, the finding recorded by the Sub-Divisional Officer (Revenue), Pithora, his posting at the relevant time, further taking into consideration the fact that the applicant has suffered and he has been placed under suspension and even not promoted on the next promotional post for which he has qualified & selected and there is no chance of his absconding if he is released on anticipatory bail subject to condition that he will keep himself away from the documents on the said place i.e. Patwari Halka No.9, Village Dongripali, this Court is inclined to extent the benefit of anticipatory bail in favour of the applicant.
8. Accordingly, this application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offences, he shall be released on bail by the officer arresting him on his executing a personal bond in the sum of ₹ 25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating/Arresting Officer. The applicant shall also abide by the following conditions:-
 - (i) that he shall make himself available for interrogation before the concerned Arresting/Investigating Officer as and when required;
 - (ii) that he shall not, directly or indirectly, make any inducement, threat or promise to the person acquainted

with the facts of the case so as to dissuade him/her 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 also appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-
(Sanjay K. Agrawal)
JUDGE

B/-