

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 1233 of 2016**

1. Sadaram Thakur, S/o. Shri Manaram Thakur, Aged About 61 Years, Occupation- Service, Presently Working As Deputy Collector At Collectorate Office Narayanpur, District Narayanpur (Bastar), Chhattisgarh.

----Applicants**Versus**

1. State Of Chhattisgarh, Through : Economic Offence Wing Branch, Raipur, Civil & Revenue District- Raipur, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Surfaraj Khan, Advocate
For Respondent/State	: Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****23/03/2017**

1. Apprehending arrest in connection with Crime No.50/2016 registered at Police Station- Economic Offence Wing Branch, Raipur, District – Raipur (C.G.), for offence punishable under Section 420, 467, 468, 471 & 120-B of I.P.C. and Section 13 (1) (d) R/w. Section 13 (2) of Prevention of Corruption Act, 1988 the applicant has preferred this application for grant of anticipatory bail.
2. Case of the prosecution in brief is that the applicant was posted as Tahsildar in the year 2010-11 in connivance with other persons had made entry in the revenue record in respect of the name of the different sellers though the land belonged to government, therefore,

on that basis the land was passed into different sellers over a period of time. Thereby the offence has been committed.

3. Learned counsel for the applicant would submit that the applicant was posted as Tahsildar in the year 2009 to 2011 and in the year 1987-88, already name of the land holders were recorded, therefore, there was no occasion to go behind 1987-88 and to find the nucleus of title and the same was carried forward and the applicant has not committed any offence. Therefore, the counsel prays that the applicant may be extended the benefit of anticipatory bail.
4. Per contra, learned counsel for the State opposes the bail application and would submit that as per enquiry in the missal of 1921-22 it was recorded as forest land, and thereafter over a period of time after 1987, 2008, 2009, 2011, 2012 names of various Bhumi-swami were recorded.
5. I have heard the learned counsel for the parties.
6. On specific query being made to the State that at the time of commencement of Land Revenue Code, 1959 whose name was recorded, the State counsel is not able to answer the same and the case diary is also silent. Considering the fact that when the applicant was posted it appears that already the name of different land owners were recorded. Considering the facts and circumstances and the documents, as appears that, the custodial interrogation of the applicant may not be required. Taking into such facts, this Court is inclined to extend the benefit of anticipatory bail to the applicant.

7. Accordingly, the anticipatory bail 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 executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions :

- (i) that the applicant shall make himself available for interrogation before the investigating officer as and when required;
- (ii) that the applicant 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 to any police officer;
- (iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge