

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1342 of 2016

- Ramkrishna (Krishna Kumar) Deshmukh S/o Gangusingh Deshmukh Aged About 80 Years R/o Village Jewra, Outpost Jewra Sirsa, Tahsil & District Durg, Chhattisgarh.

---- Applicant

Versus

1. State Of Chhattisgarh Through District Magistrate, Durg, District Durg, Chhattisgarh.
2. Sanat Kumar Deshmukh S/o Late Tularam Deshmukh Aged About 35 Years R/o Meelpara, Purani Basti, R/o Village Risali, Police Station Newai, Tahsil & District Durg, Chhattisgarh.

---- Respondents

For Applicant	:	Mr. H.B. Agrawal, Sr. Advocate with Ms. Meera Jaiswal, Advocate.
For Respondent	:	Mr. Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

05/12/2017

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Complaint Case No.4072/2016 pending before the JMFC, Durg, District – Durg(C.G.), for the offence punishable under Sections 420, 467, 468, 471, 448, 120-B/34 of the Indian Penal Code (for short 'IPC').
2. Learned counsel for the applicant submits that applicant had been Patwari of Village-Risali since 1988-1993. During that period of time, sale-deed of lands of khasra Nos. 496/1, 498/1, 502/1, 948, 1010 and 1180 were executed by father of the complainant, in which some land

was sold by the father of the complainant to the purchaser, on the basis of old khasra numbers. It is alleged that applicant in capacity of Patwari, has manipulated the revenue records in affecting the sale so made. It is submitted that there is no material in the record of the complaint case against the applicant to prove the offence charged against him, hence, prayed that applicant be granted anticipatory bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that matter relates to complaint case and the record of the complaint case itself speaks about the involvement of the applicant in commission of offence making direct allegation against him regarding he manipulation of the entries in the revenue record, hence, applicant is not entitled for grant of bail.
4. Respondent No.2/complainant is not represented.
5. Heard both the counsels and perused the record of the complaint case No.4072/2016. Complaint has been filed by respondent No.2 making various allegations against the applicant and 35 other persons. The role attributed to the applicant is this, that he was instrumental in manipulating the revenue records because of which the land which was allotted a new khasra No.496/1 and belonged to the complainant was shown to be having old khasra number belonging to the father of the complainant and thus, having cause loss to the complainant on the basis of which he alleges that offence of cheating has been committed against him.
6. Cognizance has been taken by the trial Court only on the basis of the statement of the complainant witnesses. Although, there is a direction for calling report from the police on the complaint made by respondent

No.2, but no such report is there on the record to show any conclusion of the inquiry done by the concerned police.

7. Taking into consideration all these facts, I am of this view that applicant deserves to be granted anticipatory bail.
8. 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 his executing a personal bond in the 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 them by the said Court till disposal of the trial.

Sd/-
(Rajendra Chandra Singh Samant)
Judge