

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 200 of 2018

- Omprakash Verma S/o Late Manbodh Verma Aged About 57 Years R/o Shanti Vihar Rohnipuram Deendayal Upadhyay Nagar Raipur Police Station Deendayal Upadhyay Nagar Tahsil Civil And Revenue District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Superintendent Of Police, Anti Corruption Bureau, Raipur Tahsil Civil And Revenue District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Respondent

For Applicant : Mr. Ratnesh Kumar Agrawal, Advocates.

For Respondent/State : Mr. Anupam Dubey, Dy. Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

27/04/2018

1. This is the Second bail application on behalf of the applicant under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail. First bail application bearing MCRC(A) No.486/2017 of the applicant was dismissed for want of prosecution vide order dated 4.8.2017.
2. Applicant apprehending his arrest in connection with Crime No.13/2006 registered at Police Station - Anti Corruption Bureau, Raipur (C.G.), for the offence punishable under Sections 13(1) (d) & 13(2) of the Prevention of Corruption Act and Section 120-B of Indian Penal Code.

3. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. Applicant in his capacity as Tahsildar, a Revenue Officer, had ordered for making entry in Revenue records regarding possession of lands in the name of Pochhi Farm. Even if it is presumed that the order passed by him was incorrect, it is an act which has to be dealt with departmentally and as there is no such evidence to show that this applicant was benefited by passing this order, hence, there being no evidence of receiving illegal gratification etc. from any person, hence, the case is made out in favour of the applicant for grant of bail.
4. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that because of unlawful order passed by this applicant an entry was made in the revenue records showing possession of Pochhi Farm as a result of which the registration of sale of lands was waived and that has caused loss of revenue to the State Exchequer, hence, he is not entitled for grant of bail.
5. Heard both the parties and perused the case diary.
6. Charge-sheet has been filed after completion of investigation. According to the case of prosecution, Pochhi Farms entered into agreement for sale with various farmers of the area and took possession of the lands on the basis of those agreements. Names of the farmers concerned are still recorded as owners of the land in the record of rights, but it is alleged that this applicant helped unlawfully by passing order to make entries in the records of revenue showing possession of the Pochhi Forms. On a complaint being made by the villagers of the area, the matter was inquired and FIR was lodged.

7. After due consideration on all the material present in the case diary, it appears that the case is now pending before the trial Court. Secondly this applicant is a public servant and there is no requirement of any custodial interrogation of this applicant for the purpose of any investigation pending. For these reasons, it appears that applicant should be benefited with grant of anticipatory bail.
8. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicants 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

