

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No.1131 of 2017

1. Shanker Lal Sahu S/o Shri Sukhram Sahu Aged About 68 Years R/o Village Kumhari Thana Gidhouri, Tahsil Kasdol, Civil And Revenue Distt. Balodabazar Bhatapara Chhattisgarh, Chhattisgarh
2. Mewalal Shrivastava S/o Shri Bodhram Shrivastava Aged About 55 Years R/o Village Kumhari Thana Gidhouri, Tahsil Kasdol, Civil And Revenue Distt. Balodabazar Bhatapara Chhattisgarh , District : Balodabazar-Bhatapara, Chhattisgarh
3. Dilip Patel S/o Shri Shobharam Aged About 55 Years R/o Village Kumhari Thana Gidhouri, Tahsil Kasdol, Civil And Revenue Distt. Balodabazar Bhatapara Chhattisgarh , District : Balodabazar-Bhatapara, Chhattisgarh
4. Chandrashekhar Patel S/o Shri Tiharu Lal Patel Aged About 55 Years R/o Village Kumhari Thana Gidhouri, Tahsil Kasdol, Civil And Revenue Distt. Balodabazar Bhatapara Chhattisgarh , District : Balodabazar-Bhatapara, Chhattisgarh

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Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Gidhouri, Civil And Revenue Distt. Balodabazar Bhatapara Chhattisgarh, Chhattisgarh

--- Respondent

Shri Manoj Paranjpe, counsel for applicants.
Shri Dhiraj Wankhede, GA for State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

06/04/2018

Heard.

2. The applicants have preferred this application under Section 438 of Cr.P.C., apprehending their arrest in connection with Crime No.150/2017, registered at Police Station–Gidhouri, District Balodabazar for alleged commission of offence under Sections 420, 467, 468 & 471/34 of IPC.
3. Case of the prosecution is that the applicants under an authority, which they did not possess under the law, have collected more than Rs.1 Lakh in the matter of collection of tax of lime stone though there was no decision by the Gram Panchayat towards collection of tax. The applicants are stated to be

Panchas, son of Panchas and husband of Pancha in the concerned Gram Panchayat.

4. Learned counsel for the applicants submits that the allegations against the applicants are highly exaggerated. He submits that the collection of tax by the applicants on the bonafide belief, because there was a proposal pending with the Gram Panchayat and that proposal was not finally accepted by the Gram Panchayat by way of resolution. It is submitted that the amount of tax collected by the applicants, was later on deposited with the Gram Panchayat.

5. On the other hand, learned State counsel opposed the prayer for grant of bail by submitting that the applicants collected the amount of tax from the trespassers under the authority of Gram Panchayat without having any such semblance of the authority under the law. He submits that the deposit of tax amount, without any authority under the law, by the applicants with the Gram Panchayat, would not absolve the applicants from criminal liability, misusing their position as Panchas and relatives of Panchas. He further submits that the co-accused have been granted regular bail by this Court, therefore, the application for grant of anticipatory bail may be rejected.

6. Taking into consideration the submission of learned counsel for the parties, I am not inclined to grant anticipatory bail to the applicants. The application is therefore, rejected.

Without commenting upon the merits of the case, I am inclined to direct that since other accused, who appears to be similarly situated have been granted regular bail, in the event, the applicants would surrender and apply for grant of regular bail before the Court below, the Court below may consider and decide the bail application within an outer limit of three days.

SD/-
(Manindra Mohan Shrivastava)
Judge