

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1612 of 2018

1. Smt. Sindhutaniya W/o Benjamin Sikha, aged about 38 years, R/o Village-Lakhanpur, Police Station-Pithoura, District-Mahasamund Chhattisgarh .
2. Benjamin Sikka, S/o Shri Ishwardhan Sikka, aged about 43 Years, Posted as Naib Tahsildar Raipur, District Raipur Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer Pithoura District Mahasamund Chhattisgarh., District : Mahasamund, Chhattisgarh

---- Respondent

For Applicant : Mr. Anup Majumdar, Advocate.
For Respondent : Mr. Avinash K. Mishra, Panel Lawyer.

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

11/12/2018

1. The applicants have preferred this bail application under Section 438 of Cr.P.C. apprehending their arrest in connection with Crime No.92/2018 registered at Police Station-Pithoura, District – Mahasamund(C.G.), for the offence punishable under Sections 420, 467, 471/34 of the Indian Penal Code (for short 'IPC').
2. Learned counsel for applicants submits that applicants are innocent and have been falsely implicated in this case. The allegation against these applicants is this, that applicant No.2 in capacity of Patwari manipulated the revenue records is totally false, on the contrary he has

done the correction of the records in compliance with order passed by Tahsildar. The applicant No.1 is an innocent purchaser of the land in question. According to the evidence in case, no case is made out against these applicants, hence, it is prayed that they may be enlarged on anticipatory bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect.
4. Heard both the parties and perused the case diary.
5. It is alleged that applicant No.2 manipulated the revenue record showing the government land as private land in the revenue records and on that basis one piece of land has been purchased by applicant No.1 from the concerned title holder. Hence, this case.
6. Considered on entire material present in the case diary and according to the document submitted along with the application, it has appeared that the mutation of revenue record has been carried out pursuant to the order passed by Nayab Tahsildar, Pithoura. Hence, on this basis, it appears that a strong case is made out for grant of anticipatory bail to these applicants. For these reasons, I am of this view that this is a fit case where the applicants should be enlarged on anticipatory bail.
7. 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, they shall be released on bail by the officer arresting them on their executing a personal bond in the sum of Rs.25,000/-each 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 applicants shall make themselves available for

interrogation before the investigating officer as and when required;

- (ii) that the applicants 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 applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicants 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