

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1570 of 2018

- Ghanshyam Prasad S/o Late Badri Prasad Sharma Aged About 64 Years Retired Nayab Tahsildar (Revenue) Permanent R/o Kabir Nagar, Raipur District Raipur Chhattisgarh At Present R/o Ghansoli, New Mumbai Maharashtra, District : Mumbai, Maharashtra

---- Applicant

Versus

- State Of Chhattisgarh Through District Magistrate, Durg District Durg Chhattisgarh, District : Durg, Chhattisgarh

---- Respondent

For Applicant : Mr. Praveen Dhurandhar, Advocate.
For Respondent : Mr. Avinash Kumar Mishra, Panel Lawyer.

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

14/12/2018

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending her arrest in connection with Crime No.421/2018 registered at Police Station-Purani Bhilai, District – Durg(C.G.), for the offence punishable under Sections 420, 467,468 & 471 read with Section 34 of the Indian Penal Code (for short 'IPC').
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. Applicant is now a retired Tahsildar. The allegation against him is, that he had passed the mutation order, which is a official act, regarding which he cannot be prosecuted. In such a case, the aggrieved person has the

remedy to file appeal against that order. It cannot be assumed that this applicant was a party to the offence of cheating, therefore, it is prayed that he may be granted 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. The case against this applicant is this, that on 5.1.2010 a sale-deed was executed by power of attorney holder Ashwini Kumar Dadsena on behalf of land owner Amit Kumar Sinha in favor of Chhote. Later on, it was again sold to Siju Anthoni by power of attorney holder on behalf of land owner. The allegation against this applicant is only this that he had passed the order of mutation which was in favor of the complainant.
6. After considering on entire material present in the case diary, I am of this view that this is a fit case where the applicant 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, 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