

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 69 of 2019

- Sushil Chand Pagariya, S/o Late Mangilal Pagariya, aged about 58 Years, R/o Mahaveer Plaza, Tagore Nagar, Police Station City Kotwali, Raipur Tahsil and District Raipur Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Police Station-Mana, District-Raipur Chhattisgarh.

---- Respondent

For Applicant : Mr. N. Naha Roy, Advocate.
For Objector : Mr. Arvind Shrivastava, Advocate.
For Respondent : Mr. I. Lakda, Dy. G.A..

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

06/02/2019

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.314/2018 registered at Police Station-Mana, District-Raipur(C.G.), for the offence punishable under Sections 420, 467, 468, 471,120-B of the Indian Penal Code, 1860.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. No case is made out against this appellant. The allegation is baseless that the applicant has collaborated with the Revenue Officers in manipulating the revenue

entries. The dispute between the applicant and the complainant appears to be civil dispute although there is order of Additional Tahsildar for correction of revenue entries dated 19.1.2015, but it has been challenged before the Court of Sub-divisional Officer by the applicant and order of *status-quo* has been passed in his favor. Despite the pendency of this proceeding, frivolous complaint has been filed by the complainant. The complaint has been made after huge delay. The applicant himself is Cancer patient, who has undergone surgery and thereafter he is requiring continued treatment. He is ready to abide by all the conditions imposed upon him for grant of anticipatory bail, therefore, he may be granted anticipatory bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that there is clear allegation in the complaint, that applicant is the person who has mastered the forged documents and his act has been deliberate to benefit himself and cause wrongful loss to the complainant party, therefore, he is not entitled for grant of anticipatory bail.
4. Learned counsel for objector adopts that arguments submitted on behalf of state and submits that there is finding in the order passed by Additional Tahsildar dated 19.1.2015, which shows that the manipulation in the revenue records was deliberate and applicant was the person who was benefited from this manipulation which shows that applicant was behind this creation of forged document, hence, he is not entitled for grant of anticipatory bail.
5. Heard both the parties and perused the case diary.
6. It is alleged by the complainant-Anusuiya Shrivastava that at the instance of this applicant, the Revenue Officers have collaborated to

manipulate the main records by showing the survey number of land belonging to the applicant in place of the land belonging to the complainant, regarding which the Additional Tahsildar has given a finding in his order that manipulation has taken place. Hence, this case.

7. As per the submission, the order passed by Tahsildar is under challenge before the Court of Sub-divisional Officer and the matter has been stayed and subsequent to that this complaint has been filed against the applicant.
8. After due consideration on the entire material present in the case and other documents that are present on the record, I am of this view that present is a fit case where the applicant can be granted anticipatory bail.
9. 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 her 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 her by the said Court till disposal of the trial.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Nisha