

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 64 of 2019**

Shiv Kumar Yadav, S/o. Late Jageshwar Yadav, Aged About 56 Years,
Caste- Ahir, Occupation- Agriculture, R/o. Village Kanakpur, post Chiniya,
Police Station and Tahsil Ramanujganj, District Balrampur-Ramanujganj,
District Balrampur- Ramanujganj (Chhattisgarh).

----Applicant**Versus**

State Of Chhattisgarh, Through: The Station House Officer, Police Station
Ramanujganj, District Balrampur-Ramanujganj (Chhattisgarh).

---- Non-applicant

For Applicant	: Mr. V. K. Pandey, Advocate
For Respondent/State	: Mr. Lav Sharma, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****29/01/2019**

1. Apprehending arrest in connection with Crime No.114/2018, registered at Police Station – Ramanujganj, District – Balrampur-Ramanujganj (C.G.) for offence punishable under Section 420, 467, 468 & 471 of the Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. No case is made out against the applicant. Smt. Khoushaliya Devi, wife of the applicant has rightful entitlement on the property in question regarding which he filed an application in the year 2013 before the Tahshildar praying for correction of entries in the revenue records.

An order dated 30-05-2013 was passed by the Tahshildar allowing the application and thereby the entries were corrected in the name of Koushaliya Devi. That order was challenged by complainant Ram Lal before the Court of SDO and Upper Collector, from where the order of Tahshildar was set aside. But, the same was again challenged before the Commissioner, from which Court again the order was passed in favour of the wife of applicant. In the meanwhile the complainant filed Writ Petition No. 2378 of 2014 before this Court, which was disposed off with the direction to consider the representation. Subsequent to that, the Collector has passed order dated 14-10-2015 that the entries made by the Patwari of correction in favour of the wife of the applicant was found to be fraudulent and on that basis order was passed for lodging FIR.

The applicant has on behalf of his wife challenged the order passed by the Collector before the Commissioner Surguja Division from where the interim order dated 23-03-2017 has been passed staying the proceedings initiated on the basis of order passed by the Collector. On this basis, it is prayed that the issue regarding the entries in the revenue record still before the Court. Therefore, the police action is uncalled for. Hence, it is prayed that this applicant is may be granted anticipatory bail.

3. Learned counsel for the State/no-applicant opposes the application submitting that on the basis of the evidence present in the case diary, prima facie a case is made out against the applicant for the reason that the Government land which were meant for public offices etc. have been recorded in the name of the wife of this

applicant in a fraudulent manner, which needs further investigation, therefore, the application may be rejected.

4. Heard learned counsel for the parties and perused the case diary.
5. It is alleged that this applicant in a fraudulent manner and in collaboration with the employees of the revenue department has got the revenue records manipulated and entries made in favour of his wife, son and daughter-in-law with respect to the Government lands, regarding which, on complaint made the inquiry was made and the order has been passed by the Collector, Balrampur and the FIR has been lodged.
6. Considered on the entire material present in the case diary and also perused all the documents along with the application regarding the orders passed by the revenue authorities and this Court. After due consideration, it appears that the issue regarding entries made in the revenue record is still before the Courts. Hence, for this reason, I feel inclined to allow this application.
7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
8. 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 him on executing a personal bond in 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 him by the said Court till disposal of the trial.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Aadil