

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****M.CR.C.(A). No. 190 of 2019**

M. Ayyub Khan, S/o. Late A.Y. Khan, Aged About 52 Years, R/o. Noorani Chowk, Rajatalab, Raipur District Raipur Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through : The Station House Officer, Police Station Gol Bazar, Raipur District Raipur Chhattisgarh.

---- Respondent

For Applicant	: Mr. Raza Ali, Advocate
For Respondent/State	: Mr. H.S. Ahluwalia, Dy. A.G. & Mr. Rahim Ubawani, P.L.
For Objector	: Mr. Y.C. Sharma, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****01/03/2019**

1. Apprehending arrest in connection with Crime No.33341023180255/2018, registered at Police Station – Gol Bazar, Raipur, District – Raipur (C.G.) for offence punishable under Section 120, 420, 467, 468 and 471/34 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 on the basis of the material present in the case diary. The applicant is working as Patwari, therefore, he is a public servant. Totally false complaint has been made by the

complainant Smt. Laxmi Dhurandhar. The act i.e. alleged on the part of the applicant was done by him in performance of his official duties. One co-accused Sandeep Thakur has been enlarged on anticipatory bail by this Court, who was the signatory to the mutation order, which was the basis of mutation entered by this applicant. Therefore, it is prayed that the applicant may be enlarged on anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect. It is submitted that there had been no mutation case has been found in the said revenue office, which has been the basis of mutation entries that were made by this applicant, which shows that mutation entries were manipulated and forged by this applicant. Therefore, no case is made out for grant of anticipatory bail to the applicant.
4. Counsel for the objector after adopting the argument advanced by the learned counsel for the State submits that this applicant had without any authority deleted the name of the complainant – Smt. Laxmi Dhurandhar in the revenue records and inserted the name of the Shiv Kumar Baghel, who has sold out the property belonging to the complainant, therefore, it is clear case of forgery of official documents and therefore, the applicant is not entitled for grant of anticipatory bail, hence, the application for grant of anticipatory bail be rejected.
5. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
6. According to the FIR Lodged, the complainant Laxmi Dhurandhar and her other sisters were gifted landed property by their father by

gift deed dated 24.03.1972, which was mutated in the revenue records accordingly. After the death of the father of the complainant, this applicant on the instigation of the co-accused Shiv Kumar Baghel has manipulated the entries in the revenue records on the basis of which property has been sold out by co-accused Shiv Kumar Baghel to other co-accused persons.

7. Considered the submissions made and the contents of the case diary. It appears that investigation has made no progress. It is yet to be investigated as to whether the mutation recorded in the revenue records was ordered by the revenue authorities or not as the authority of Patwari to make change in the entries has to be on the basis of the order given by the superior authorities. For the reason that one co-accused has been granted anticipatory bail and that the appearance of the applicant can be ensured by imposing conditions hence for these reasons, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.
8. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
9. 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram