

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 372 of 2019

- Bhokluram Sahu S/o Kanwalram Sahu, Aged About 61 Years, Posted As Sub Divisional Officer (Revenue) Gariyaband, Police Station And Tahsil Gariyaband, District Gariyaband Chhattisgarh, R/o Gariyaband, Police Station And Tehsil - Gariyaband, District Gariyaband Chhattisgarh., District : Gariyabandh, Chhattisgarh

---- Applicant

Versus

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

---- Non-applicant

For Applicant – Shri Surfaraj Khan, Advocate.

For Non-applicant/State – Shri H.S. Ahluwalia, Deputy Advocate General.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

26-03-2019

1. Apprehending arrest in connection with Crime No.92/2018, registered at Police Station – Pithora, District Mahasamund, Chhattisgarh for offence punishable under Section 420, 467, 468, 471 & 120-B of the IPC, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against this applicant. The applicant was the then Nayab Tahsildar who had passed the order of mutation in favour of co-accused. The mutation order passed by this applicant is still existing and unchallenged which has not been set aside by any superior authority and no remark has been passed against the applicant, therefore, it cannot be said that this applicant had passed the mutation order with criminal intent. Hence, it is prayed that he may be granted anticipatory bail.
3. Learned counsel for the State/non-applicant opposes the application and submits that this Court while passing the order in favour of the then

Patwari Benjamin Sikka had observed that the Patwari had complied with the order passed by the then Nayab Tahasildar, therefore, on the basis of this observation the whole responsibility of passing the fraudulent order is now placed on this applicant. Hence, he is not entitled for grant of anticipatory bail.

4. Heard learned counsel for the parties and perused the case diary.

5. The case of the prosecution is this, that manipulation was done in the revenue papers showing the Government land as private land and a mutation order was passed in favour of one co-accused Shobha Ram Ghasiya, who later on sold the said land to one Laxmi Narayan Agrawal and others. Hence, this case.

6. Considered on the entire material present in the case diary. It has appeared that there is no such order of superior authority present in the case diary showing that the order passed by the applicant was set aside or any stricture was passed against him or that it was the decision of the superior authority to lodge FIR against the applicant, therefore, the argument advanced on behalf of the applicant has force. Hence, I feel inclined to allow this application.

7. Accordingly, the anticipatory bail application is allowed. 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.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge