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HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 638 of 2019

- Yugal Kishor Urawasha S/o Shri M.L. Urawasha, Aged About 49 Years, Posted as Deputy Collector S.D.O. Revenue, Sakti, District Janjgir – Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station - Hirri, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Non-applicant

MCRCA No. 675 of 2019

- Yugal Kishor Urawasha S/o Shri M.L. Urawasha, Aged About 49 Years, Posted as Deputy Collector, S.D.O. Revenue, Sakti, District Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station Hirri, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Non-applicant

For Applicant – Shri Anil S. Pandey, Advocate.

For Non-applicant/State – Shri Lav Sharma, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

13-05-2019

1. As in both these applications the applicant is same though the crime number are different, they are being decided by this common order.

2. MCRCA No.638 of 2019 has been filed by the applicant for grant of anticipatory bail as he is apprehending arrest in connection with Crime No.59/2019, registered at Police Station Hirri, District Bilaspur, Chhattisgarh for the offence punishable under Section 120-B, 420 of the IPC.

3. MCRCA No.675 of 2019 has been filed by the applicant for grant of anticipatory bail as he is apprehending arrest in connection with Crime No.60/2019, registered at Police Station Hirri, District Bilaspur, Chhattisgarh for the offence punishable under Section 120-B, 420, 467, 468, 471 of the IPC.

4. It is submitted by learned counsel for the applicant that no case is made out against this applicant. The applicant is presently posted as Deputy Collector, SDO of Revenue District Sakti in District Janjgir-Champa, C.G. and he was posted as Tahsildar in Bilha in the year 2014. He has simply on the basis of sale deed executed by Sugara Begam and one another, in favour of Rajnish and one another, passed the order of mutation after enquiring and verifying the revenue records in this respect. The applicant has not committed any kind of offence as it is alleged against him. He has performed his official duties and thus he is protected under Section 197 of the Cr.P.C. Hence, it is prayed that this applicant may be granted anticipatory bail in both the cases.

5. Learned counsel for the State/non-applicant opposes the applications submitting that the applicant had in collaboration with the parties to the fraudulent sale has passed the order of mutation, therefore, he is not entitled for grant of anticipatory bail.

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

7. In Crime No.59/2019 complainant F. Ahmad has lodged the FIR that he has made purchase of the disputed land from Abdul Karim and Abdul Kadir on 31-03-1995 which has been fraudulently sold by Sugara Begam and Abdul Mahmood Khan to Rajnish and one another. It is alleged that this applicant has collaborated in the said sale and the mutation proceeding. In Crime No.60/2019 it is alleged by complainants Mustari Begam and Parveen Begam that they are LRs. of Abdul Rahim and Abdul Rahim who had made purchase of the disputed land in the year 1995. The same land has been sold by the co-accused persons namely Sugara Begam and Abdul Mahmood in favour of the purchasers in a fraudulent manner in which this applicant has collaborated and passed the order of mutation. Hence, these cases.

8. Considered on the entire material present in the case diary and in the revenue records the name of Abdul Fahim and his LRs. Therefore, after due

consideration, I feel inclined to allow both these applications.

9. Accordingly, both the anticipatory bail applications are allowed. It is directed that in the event of arrest of the applicant in connection with the aforesaid offences, he shall be released on bail by the officer arresting him on his executing in each of the aforesaid cases 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.

10. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge