

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****M.Cr.C.(A) No. 868 of 2019**

Saurabh Dwivedi S/o Late Anil Dwivedi Aged About 40 Years R/o Infront Of Mangal Bhawan, Mohan Nagar, Durg, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh.

**---- Applicant****Versus**

State Of Chhattisgarh Through District- Magistrate, Durg, District- Durg, Chhattisgarh.

**---- Respondent**


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For the Applicant : Shri Shashank Thakur, Advocate.  
For the Respondent/State : Shri Arun Shukla, G.A.

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant****ORDER****25.06.2019**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.
  
2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicant who is apprehending arrest in connection with Crime No. 4 of 2019, registered at Police Station – Dhamdha, District – Durg, Chhattisgarh for the offence punishable under Sections 420, 467, 468 and 471, 34 of the Indian Penal Code.
  
3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case. The applicant joined to the post of Patwari at Patwa Halka No.7 in Dhamdha on 9.5.2018. Prior to his joining, the maintenance khasra has been prepared and given by the previously posted

Patwari Ms. Soma Chaudhary on 2.10.2017. There is no complaint against this applicant regarding any manipulation or regarding any corrupt practice. The only act that can be assigned on the part of this applicant is that he provided the copy of the maintenance khasra on map in the proceeding for grant of lease to the beneficiaries. Therefore, neither he has created or manipulated any document nor he has been benefited in any manner. Hence, the applicant has not committed any offence and it is prayed that the applicant be benefited with grant of anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that there is direct allegation made that he was the person who prepared 35 Abadi Pattas for distribution, out of which, 10 beneficiaries were not the residents of local areas. Hence, for these reasons, he is not entitled for grant of bail.

5. Heard counsel for both the parties and perused the case diary.

6. According to the FIR lodged, in the scheme of Mukhyamantri Abadi Patta Yojna, 35 lease deeds (patta) were prepared for distribution to the beneficiaries. On the basis of the complaint made, it has been found that the said patta was to be distributed to the local beneficiaries, whereas, out of 35 beneficiaries, 10 beneficiaries were not the residents of local area. On the basis of the which, FIR has been lodged for the offences of cheating and forgery etc.

7. The documents filed by the applicant discloses that he has joined the post of Patwari in Patwa Halka No.7 on 9.5.2018. The proceedings of

granting lease that has been drawn by Tehsildar Dhamdha and the certified copy of the proceedings drawn by the Tehsildar Dhamdha for grant of patta clearly reflects that the role of Patwari was only to the extent of providing copy of maintenance khasra and naksha for the same and not for the preparation of patta. The documents filed also disclose that the maintenance khasra was already prepared before the joining of this applicant. Hence, for these reasons, I feel inclined to grant anticipatory bail to the applicant.

8. 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 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. He 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 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.'

Sd/-  
**(Rajendra Chandra Singh Samant)**  
Judge