

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1132 of 2019**

- Karan Chandrakar S/o Ramkhilavan Sinha Aged About 62 Years Occupation - Ret. Patwari (Tahsil Office Pithora), Permanent R/o Purana Raipur Naka, Ward No. 16, Mahasamund Police Station, Tahsil And District Mahasamund Chhattisgarh

---- Applicant**Versus**

- State of Chhattisgarh Through State Economic Offence Wing Branch Raipur, District Raipur Chhattisgarh

---- Respondent

For Applicant : Shri Utkal Pradhan, Advocate

For Respondent/State : Shri Sudeep Verma, Dy. GA

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****16/08/2019**

1. Heard.
2. This application under Section 438 of the Code of Criminal Procedure has been filed by the applicant apprehending his arrest in connection with Crime No. 50/16 registered at Police Station Economic Offence Wing Branch Raipur (C.G.) for the offence punishable under Sections 420, 467, 468, 471, 120 (B) IPC and Section 13 (1) (d) r/w Section 13 (2) of the Prevention of Corruption Act.
3. As per the prosecution case, the present applicant while was posted as Patwari, in connivance with the other persons has made entry in the revenue records in respect of the name of different seller, though the land belonged to the

government and on the basis of B-1 revenue records were issued and sale was executed. Thereby the offence has been committed.

4. Learned counsel for the applicant would submit that admittedly the entry in the revenue records were made in the year 1987 and the present applicant joined the services in the year 1997, therefore, there was no occasion for him to go into the details of correctness and he has issued B-1 and since it was carried forward prior to his joining to the services and the name of the other seller were recorded, therefore, the applicant may be given the benefit of anticipatory bail.
5. Per contra, learned State counsel opposes the prayer for grant of anticipatory bail and would submit that as per the *missle* record of 1921-22, the land was recorded as forest land, thereafter, over a period of time in the year 1987 the land was recorded in the name of private persons. He would further submit that the applicant should have been due diligent to issue the *missle bandobast* and he should not have issued the revenue records.
6. Considering the fact that it is not in dispute that the applicant joined his service in the year 1997 and prior to that name of the different persons were recorded, taking into such fact, the applicant issued B-1 Khasra in favour of the other persons and the applicant is said to have retired as on date and further taking into that the similarly placed co-accused namely Sadaram Thakur has been enlarged on anticipatory bail by this Court in M.Cr.C.A. No.1233 of 2016 on 23.03.2017, I am inclined to allow this anticipatory bail application.
7. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant, he shall be released on anticipatory bail on his executing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the arresting officer with the following conditions:-

(i) that the applicant shall make himself available for interrogation

- before the investigation 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 them by the said Court till disposal of the trial.

Sd/-

Goutam Bhaduri
Judge

Ashu