

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1327 of 2019

- Rudra Ram Nagvanshi S/o Shri Ramcharan Nagvanshi Aged About 30 Years Caste - Gada, Occupation Kotwar, R/o Village Birajpali, Police Station and Tehsil - Bagbahara, District Mahasamund, Chhattisgarh.

---- Applicant

Versus

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

---- Respondent

AND

MCRCA No. 1441 of 2019

- Vipin Pradhan S/o Late Shri Ramkrishna Pradhan Aged About 52 Years R/o Village Patharla (Pithora), Tahsil Pithora, District Mahasamund, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station Pithora District Mahasamund, Chhattisgarh.

---- Respondent

For Applicant (MCRCA No. 1327/19)	: Shri Surfaraz Khan, Advocate.
For Applicant (MCRCA No. 1441/19)	: Shri Raghvendra Pradhan, Adv.
For Respondent/State	: Shri Anand Verma, Dy. G.A.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

29/11/2019

Heard.

1. Since both the cases arise out of same Crime Number, therefore, they

are being decided by this common order.

2. The Applicants are apprehending their arrest in connection with Crime No. 128/2019 registered at Police Station Pithora, District – Mahasamund, (C.G.). for the offence punishable under Sections 420, 467, 468, 471 & 120-B of Indian Penal Code.
3. Facts of the case in brief is that, on the basis of complaint made by one Narendra Sen, an inquiry was conducted wherein it has been found that 800 *Rin Pustika* has been issued to co-accused Benjamin Sikka, the then Patwari, from the District Office, Mahasamund but the same has not been deposited by him in the Tahsil Office, Pithora. It is alleged that applicant Rudra Ram Nagvanshi (MCRCA No. 1327/2019), who is a *Kotwar*, has been issued 1000 *Rin Pustika* by District Office, Mahasamund but only 800 *Rin Pustika* has been deposited by him in the Tahsil Office, Pithora. Allegedly, two *Rin Pustika* i.e. No. 1833998 and 2080006 which were not deposited, have been falsely issued in the name of Khemin Bai and Shanti Bai for making forged lease (*patta*). Allegations against applicant Vipin Pradhan (MCRCA No. 1441/2019) is that, at the relevant time, he was posted at Kanungo Branch, Tahsil Office, and he has made forged entries in the receiving register of *Rin Pustika*. On the basis of the said, offence has been registered.
4. Learned Counsels appearing for the applicants submit that the applicants are innocent and have been falsely implicated in the present case. Shri Raghvendra Pradhan, learned Counsel appearing on behalf of applicant Vipin Pradhan submits that applicant has not

made forged entries in the register, he has made entries of only those *Rin Pustika* which were deposited by applicant Rudra Ram Nagvanshi. Total 1,000 *Rin Pustika* were issued but only 800 were deposited by him. There is no material available on record against applicant Vipin Pradhan. Learned Counsel appearing on behalf of applicant Rudra Ram Nagvanshi submits that, out of 200 *Rin Pustika* which were not deposited, only 1 has been issued in the name of Shanti Bai and has been mis-utilized. From the statement of Shanti Bai recorded under Section 161 of Cr.P.C., it is clear that the said forged *Rin Pustika* was issued and provided by Benjamin Sikka, Patwari. He further submits that said forged *Rin Pustika* was issued to Shanti Bai in the year 2010 and *Rin Pustika* which were issued and deposited by Rudra Ram were of year 2015, therefore, the said *Rin Pustika* issued in the name of Shanti Bai has no connection in the present case. Thus, it is jointly prayed that applicants may be granted benefit of anticipatory bail.

5. Learned Counsel appearing for the State opposes the bail application.
6. I have heard learned Counsel appearing for the parties and perused the material available with due care.
7. Taking into consideration the submissions put-forth on behalf of the parties, considering the facts and circumstances of the case, evidence collected by the prosecution, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present applicants.

8. Accordingly, the bail applications are allowed.

9. It is directed that in the event of arrest of the applicants in connection with the aforesaid crime, they shall be released on anticipatory bail on each of them furnishing a personal bond in the sum of Rs. 20,000/- with one solvent surety for the like sum to the satisfaction of the Arresting Officer/Presiding Officer of the concerned trial Court. They shall also abide by all the following terms and conditions :

- (i) They 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 fact to the Court,
- (ii) They shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) They shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-
(Arvind Singh Chandel)
Judge