

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1496 of 2019

- Smt. Uma Pradhan, W/o - Shri Jitendra Kumar Sahu, Aged About 32 Years
R/o - Krishna Nagar, Santoshi Nagar, Raipur, District Raipur, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Police Station Mana Camp, Raipur, District Raipur, Chhattisgarh.

---- Respondent

AND

MCRCA No. 1527 of 2019

1. Ashish Jain, S/o Omprakash Jain, Aged About 38 Years R/o B-239, Sector-01, Opposite New India Apartment, Tagore Nagar, Police Station Telibandha, District Raipur, Chhattisgarh.
2. Ramesh Kumar Singh, S/o Shri Ramji Singh, Aged About 47 Years R/o House No. C-12, Ravi Nagar, Police Station Telibandha, District Raipur, Chhattisgarh.

---- Applicants

Versus

- State of Chhattisgarh Through Police Station Mana Camp, District Raipur, Chhattisgarh.

---- Respondent

For Applicant (MCRCA No. 1496/2019)	: Shri Manoj Paranjpe, Advocate.
For Applicants (MCRCA No. 1527/2019)	: Shri Devershi Thakur, Advocate.
For Objector	: Shri Aayush Bhatia, Advocate.
For Respondent/State	: Smt. Hamida Siddiqui, Dy. A.G.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

07/11/2019

1. Heard.
2. Since, both the cases arise out of same crime number, therefore, they

are being decided by this common order.

3. The Applicants (in both the cases) have preferred their first bail application under Section 438 of Cr.P.C. for apprehending arrest in connection with Crime No. 260/2019 registered at Police Station Mana Camp, Raipur, District – Raipur, (C.G.). for the offence punishable under Sections 420, 467, 468, 471, 120-B and 34 of I.P.C.
4. As per the prosecution story, Complainant Smt. Suresh Naiyyer has lodged an F.I.R. on 21.08.2019 against six accused persons inter-alia on the allegations that co-accused persons Jogiram Sahu, Kumari Bai Sahu have sold the land to Ashish Jain and Ramesh Kumar Singh (Applicants in MCRCA No. 1527/2019) by showing Khasra No. 351/8 area 0.405 hectare. It is alleged that Smt. Uma Pradhan (Applicant in MCRCA No. 1496/2019) who is Patwari in Patwari Halka No. 78, prepared the forge documents and in collusion with the Patwari, seller has sold the land. It is also alleged that purchaser Ashish Jain and Ramesh Kumar Singh had purchased the property by playing fraud on the basis of forge documents. On the basis of the above report, offence has been registered.
5. Shri Manoj Paranjpe, learned Counsel appearing for the Applicant Uma Pradhan (in MCRCA No. 1496/2019) submits that the Applicant is innocent and has been falsely implicated in the present case. Applicant Uma Pradhan is a Patwari and she was appointed as a Patwari vide order dated 07.08.2010 and was posted at Dharampura Patwari Halka No. 78 in the year 2018. He further submits that land bearing Khasra No. 351/8 area 0.405 hectare is admittedly a part of

original Khasra No. 351/1. One Mangtaram had purchased the said land from Thakur Ramchandra Swami in the year 1979. During the lifetime of Mangtaram, the land bearing Khasra No. 351/8 area 0.405 hectare was recorded in his name. After the death of Mangtaram, the land was recorded in the name of his brother Bhakturam. Thereafter, widow of Mangtaram namely Rambai, daughter Kumari Bai and son Jogiram moved an application before Tahsildar, Raipur for correction of the land records. The Tahsildar has entertained the application and has registered the revenue case No. 40/A-6(A) year 2017-2018. The Additional Tahsildar Raipur invited the objections and published the same in the widely circulated newspapers. Tahsildar has also directed the present Applicant i.e. Patwari of Patwari Halka No. 78 to submit a report. The Applicant who was posted as Patwari has submitted the report that according to Khasra Panchshala of 2012-13, the land 351/1 area 0.405 hectare new number 351/8 area 0.405 hectare is recorded in the name of Bhakturam. Even the online record shows the similar position and after 2012-13, there is no manual correction in the record. On the basis of the said report, Tahsildar has passed an order dated 07.01.2019 and directed the present Applicant to correct the land records. The Applicant Uma Pradhan, Patwari being the subordinate to the Tahsildar has complied the said order and name of Kumari Bai, Jogiram and Ram Bai has been recorded in the revenue records. Shri Paranjpe further submits that Applicant is a government employee and there is nothing on record against her, thus, *prima facie*, no case can be made out against her. Complainant of the case has no locus to file this complaint. Therefore, Applicant Uma Pradhan may be granted

benefit of anticipatory bail.

6. Shri Devershi Thakur learned Counsel appearing on behalf of Applicants namely Ashish Jain and Ramesh Kumar Singh (in MCRCA No. 1527/2019) submits that Applicants are innocent and have been falsely implicated in this case. They are only the bona-fide purchasers of the land in question. *Prima facie*, no offence can be made out against them. He further submits that Applicants are the reputed persons of the society. Therefore, it is prayed that, they may also be granted benefit of anticipatory bail.
7. Learned Counsel appearing for the State and Objector oppose the bail application.
8. I have heard learned Counsel appearing for the parties and perused the material available with due care.
9. 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 and the allegations levelled against Applicants in both the cases, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present Applicants.
10. Accordingly, the bail applications are allowed.
11. 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/her 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 them by the said Court till disposal of the trial.

Sd/-
(Arvind Singh Chandel)
Judge