

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1681 of 2018

- Benjamin Sikka S/o Shri Ishwardas Sikka, Aged About 43 Years, Posted as Naib Tahsildar Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Arakshi Kendra, Pithoura District Mahasamund Chhattisgarh., District : Mahasamund, Chhattisgarh

---- Non-applicant

For Applicant – Shri Anup Majumdar, Advocate.

For Non-applicant/State – Shri Arun Shukla, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

23-01-2019

1. Apprehending arrest in connection with Crime No.62/2018, registered at Police Station –Pithoura, District Mahasamund, Chhattisgarh for offence punishable under Section 420, 34 of the IPC, the applicant has preferred this application for grant of anticipatory bail.

2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against this applicant. The applicant was posted as Patwari at the time of the incident in Pithoura, he has not manipulated in revenue record, on the contrary he has made correction on the basis of mutation order passed by the Nayab Tahsildar Pithoura dated 22-01-2007 in which Laxman S/o Itwaru was granted lease on Government land on the ground that he was landless. The transfer of the said land made by Laxman and others has been set aside by the Collector Mahasamund in suo moto revision No.40/2012-13 by order dated 23-12-2013. Hence, it shows that no loss has occurred to the State. The complainant himself is a third person having no interest in this transaction or in the alleged commission of offence. Hence, it is prayed that the application may be allowed.

3. Learned counsel for the State/non-applicant opposes the application submitting that four other cases of similar nature are registered against this applicant, hence, the application may be rejected.

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

5. The case against the applicant is this, that he on the basis of a false case has manipulated the revenue entries showing Laxman S/o Itwaru and Bhuneshwar S/o Shounkilal as owner of the Government land. On the basis of this mutation the land leased out to these persons were transferred to a third person causing loss to the State, regarding which the complaint was made by Amarjeet Chawla.

6. Considered on the entire material present in the case diary and as it has been shown that the entries of the mutation has been on the strength of the order passed by the Nayab Tahsildar, Pithoura, I feel inclined to allow this application.

7. Accordingly, the anticipatory bail application is allowed. 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. 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.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Aadil