

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 1661 of 2018**

Sewakram Maravi S/o Late Motiram Aged About 45 Years Caste - Gond,
Occupation - Patwari, R/o Jampara, Baikunthpur, District - Koriya
Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station -
Baikunthpur, District - Koriya Chhattisgarh., District : Koriya (Baikunthpur),
Chhattisgarh.

---- Respondent

For the Applicant	:	Shri D.N. Prajapati, Advocate.
For the Respondent/State	:	Shri Arun Kumar Shukla, G.A.
Objector/ complainant	:	Upendar Sahu, present in person.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****11.02.2019**

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. 140 of 2018, registered at Police Station – Baikunthpur, District Koriya, Chhattisgarh for the offences punishable under Sections 420, 467, 468 and 471 of the Indian Penal Code.
3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against this applicant on the basis of the material placed before the Court by the prosecution. The

applicant was working as Patwari at the time of incident and he has not personally forged any document or committed the offence of any cheating. He has simply complied with the order of Tehsildar for correcting the mutation entries, which does not amount to any commission of offence. Hence, it is prayed that the applicant be enlarged on anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that according to the evidence present in this case, the applicant is not entitled for grant of anticipatory bail.

5. Objector/ complainant – Upendar Sahu submits that he has made huge efforts to get the offence registered against the applicant and the other co-accused persons. The applicant had made a statement before the Tehsildar that he verified the partition in presence of the other co-accused persons, namely, Ramesh Chandra, Shanti Bai, Shyamlal, Shiv Kumar and Sudama Prasad and then prepared the '*Fard Batwaranama*' which is an admission that some person had impersonated as Sudama regarding which the applicant had knowledge which shows that he was one of the conspirators. The omission of entries in the '*Fard Batwaranama*' by the applicant also confirms that and it shows that no proceedings for partition was taken up before making entry in the mutation register.

Pointing to the various discrepancies in the said proceedings of mutation, the another ground urged is that the applicant is a habitual offender and there are number of cases registered against him and the earlier case registered as Crime No. 256 of 2017 under Sections 420, 467,

468, 471 and 120B of the IPC in police station Baikunthpur, District Koriya also being prosecuted in the Court which is pending as Case No. 610 of 2018. The complaint is supported with proof that the signature of Sudama was forged in support of which a report of handwritten expert is available. Therefore, for all the aforesaid reasons, it is submitted that this applicant has conspired with the rest of the co-accused persons and guided them to commit the offence of forgery and cheating, hence, he is the mastermind. Therefore, he should not be enlarged on bail.

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

7. Considered on each and every aspect of the complaint case and the arguments submitted by both the sides. It is a fact that the applicant is a public servant working as Patwari and he had a role to play in the partition proceedings but that role has been played in complying with the orders passed by the Superior Revenue Authorities. The manipulation, impersonation or forgery as alleged has benefited the other co-accused persons who have been granted anticipatory bail by this Court. The complainant has all the opportunities to prove the case against the applicant and the co-accused persons by bringing the evidence in trial but for the present and for the reason that the co-accused persons have been granted anticipatory bail and the case of this applicant is no different from theirs, hence, for these reasons, I am of the considered view that the applicant deserves to be released on anticipatory bail.

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. 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 them 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