

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 1007 of 2020

1. Sarveshwar Dayal Mishra S/o Shri B.D. Mishra Aged About 62 Years R/o Near Bhelwa Talab (Wrongly Mentioned As Bhelwal), Kohka, Tahsil And District Durg Chhattisgarh.

---- Applicant

Versus

1. State Of Chhattisgarh Through Police Station Supela, District Durg Chhattisgarh.

---- Respondent

For Applicant	Mr. P.R. Patankar, Advocate
For Respondent /State	Mr. Sudeep Agrawal, Dy. Adv. General
For Objector	Mr. Shantam Awasthi, Advocate

Hon'ble Mr. Justice Prashant Kumar MishraOrder on Board17/12/2020

1. The applicant has preferred this ***first bail application for grant of anticipatory bail***, as he apprehends his arrest in connection with Crime No.379/2020, registered at Police Station Supela, Dist. Durg (CG), for offence punishable under Sections 420, 467, 468 & 471 of the Indian Penal Code.
2. Applicant has allegedly interpolated the order passed by the Additional Tahsildar, Bhilai on 2-12-2014 to appear as if the land claimed by the applicant is at the same place whereas, in fact, his land at some other place than the one claimed by him. In a dispute between the applicant and the informant the

applicant claims a particular land on the basis of the order passed by the Additional Tahsildar and his claim is adverse to the claim made by the informant, therefore, the informant lodged the FIR.

3. Learned counsel for the applicant tried to persuade the Court by referring to different civil proceedings and demarcation report, however, the present is not a case where I am required to decide applicant's or anyone else's possession. Since the nature of interpolation in the official record is beneficial to the applicant, the concerned Additional Thasildar lodged a report with the Police Station Supela, Bhilai, on 30-9-2015 on which no action was taken. Thereafter, the present informant lodged the FIR.
4. Considering the nature of offence and the material available in the case diary, this Court is not inclined to extend the benefit of Section 438 of the Cr.P.C. to the applicant.
5. Accordingly, the bail application is rejected.

Sd/-

(Prashant Kumar Mishra)
Judge

Gowri