

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 952 of 2020

- Rishikesh Pradhan S/o Late Shri Ghansiya Pradhan Aged About 66 Years
Occupation Retired Revenue Inspector , R/o Village Sankara Jonk , Virendra
Nagar, Tahsil Pithora, District Mahasamund, Chhattisgarh.

---- Applicant

Versus

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

---- Respondent

For Applicant : Shri Raghvendra Pradhan, Advocate.

For Respondent/State : Shri Alok Nigam, G.A.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

21/09/2020

1. The matter is heard through video conferencing.
2. The applicant has preferred the first bail application under Section 438 of Cr.P.C. for apprehending arrest in connection with Crime No. 38/2017 registered at Police Station Pithora, District – Mahasamund, (C.G.) for the offence punishable under Sections 420, 467, 468, 471/34 of the Indian Penal Code.
3. According to the case of the prosecution, one Bhim Kumar Sahu was the Patwari of Halka No.47 and present applicant was posted as Revenue Inspector there. A private complaint under Section 200 of Cr.P.C. has been lodged by Bhim Kumar Sahu wherein it has been

alleged that present applicant alongwith other co-accused persons have done fraud by correcting the revenue records of grass land Khasra No.4, Rakba 0.46 hectare as a title holder and sold the said land to other co-accused person. On being directed by learned JMFC, Pithora, police has registered the offence against applicant and other co-accused person.

4. Learned Counsel appearing for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He further submits that *prima facie*, no offence is made out against present applicant because the name was registered by the then Patwari namely H.R. Usmani. It is further submitted that there is no direct allegation against present applicant. Also, the co-accused person i.e. Dulichand Banjare (Naib Tehsildar) has already been granted benefit of anticipatory bail by this Court vide order dated 24.2.2020 passed in MCRCA No. 1599/2019. At present applicant is a retired person aged about 66 years. Also, the alleged incident occurred in the year 2012-2013. Looking to the above, it is prayed that present applicant 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.
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 and particularly considering the facts that co-accused i.e. Dulichand Banjare (Naib Tehsildar) has already been

granted benefit of anticipatory bail by this Court, main allegations are against the Patwari and the fact that alleged incident occurred in the year 2012-2013, also that applicant is a retired person aged about 66 years, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present applicant.

8. Accordingly, the bail application is allowed.
9. It is directed that in the event of arrest of the applicant in connection with the aforesaid crime, he shall be released on anticipatory bail on 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. He shall also abide by all the following terms and conditions :

- (i) He 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) He shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) He 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