

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1083 of 2020

- Chandrabhan Khunte S/o Shri Jhalar Khunte Aged About 55 Years Caste - Satnami, R/o Anand Nagar, Uslapur, Police Station Sakari, District Bilaspur Chhattisgarh.,

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station Kota, District Bilaspur Chhattisgarh.

---- Non-Applicant

MCRCA No. 1314 of 2020

- Suraj Patel S/o Bedram Patel Aged About 43 Years Residence Of Village-Lokhandi, P.S. Sakri, District-Bilaspur Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Kota District-Bilaspur Chhattisgarh.

---- Non-Applicant

For Applicant : Shri Arvind Sinha and Shri Vivek Sharma, Advocates.
For Non-Applicant : Shri HS Ahluwalia, Deputy AG.

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

08/12/2020 :

1. The aforesaid anticipatory bail applications are being disposed of by this common order as they arise out of Crime No.273/2020, registered at Police Station Kota, District Bilaspur for offences punishable under Section 420, 471, 506-B & 120-B of the IPC.

2. Allegation against the present applicants is that they moved an application for issuance of duplicate Rin Pustika of one Gomti Bai, who owned 1.94 acres of land at village Lokhandi, Ganiyari. After the application was moved before the Additional Tehsildar, Ganiyari on 7.12.2019, report of Halka Patwari was called for which was submitted by Patwari Bhawna Yadav on 19.12.2019 to the effect that Gomti Bai owns the subject land. Affidavit of Gomti Bai was filed on 23.12.2019 through her counsel and thereafter an order for issuance of duplicate Rin Pustika was passed on 1.1.2020. According to the informant, Shilpa Bhagat, Additional Tehsildar's report, Rin Pustika was required to be handed over to the applicant in person, therefore, advocate was requested to keep present the land holder, but the advocate refused to present her which creates suspicion in her mind necessitating summoning another report from the Halka Patwari in which it was revealed that the original Gomti Bai has never moved any application for issuance of duplicate Rin Pustika.
3. Learned counsel for the applicants would submit that the informant Shilpa Bhagat was demanding illegal gratification for issuance of Rin Pustika to which the applicant did not agree, therefore, a false report has been lodged. They would submit that Shilpa Bhagat herself has been booked by the Anti Corruption Bureau for her involvement in a case under the Prevention of Corruption Act. According to them, the original Gomti Bai has moved an application and there is no fraud in the case.
4. Per contra, learned State Counsel would vehemently oppose the bail application. He would read the second report of Patwari and the Panchanama prepared in the process.
5. Except for the material which finds mention in the FIR, the I.O. has himself not collected any evidence by examining original Gomti Bai. On previous dates of hearing, this Court had specifically directed the State Government to obtain case diary of the crime which might have been registered when Gomti Bai lodged the FIR when her Rin Pustika was stolen/misplaced. However, no such case diary of the earlier report

of the complaint lodged by Gomti Bai is presented before this Court.

6. Revenue case for issuance of duplicate Rin Pustika was filed through a lawyer supported with affidavit of Gomti Bai and in fact the order for issuance of Rin Pustika was passed by the Additional Tehsildar on 1.1.2020. If the original Gomti Bai is not available till date, as argued by the State Counsel on the basis of investigation which has travelled so far, it is strange how the second report of Patwari was prepared on the basis of Panchnama statement of the original Gomti Bai. The investigation has not made much headway during the last 5 months.
7. Considering the entire fact situation of the case, I am inclined to extend the benefit of anticipatory bail to the applicants.
8. Accordingly, the applications are allowed and it is directed that in the event of arrest of the applicants, they shall be released on anticipatory bail on each of them executing a personal bond for a sum of Rs.50,000/- with one surety in the like sum to the satisfaction of the arresting officer with the following conditions:-
 - (i) they shall not influence the witnesses during trial.
 - (ii) they shall make themselves available for interrogation by a police officer as and when required;
 - (iii) 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 from disclosing such facts to the Court or to any police officer.

Sd/-
Judge
(Prashant Kumar Mishra)

Barve