

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 501 of 2021

Jitendra Kumar Patel S/o Lakhan Lal Patel Aged About 33 Years
R/o Village- Anand Nagar, Kusmunda, Tahsil- Katghora, District-
Korba, Chhattisgarh. **--- Applicant**

Versus

State of Chhattisgarh through Station House Officer, P.S.-
Katghora, District- Korba, Chhattisgarh.
--- Respondent

For the applicant : Mr. F.S. Khare, Advocate.
For the State : Mr. Siddharth Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

06.08.2021

1. Apprehending arrest in connection with Crime No. 48/2021 of Police Station Katghora, District Korba (C.G) for the offences punishable u/ss 420, 467, 468, 471, 34 of IPC, the applicant has filed this application u/s 438 of the Code of Criminal Procedure.
2. As per the prosecution case, Tiharu Ram, Itwar singh, Sukvara Bai, Budhvara bai, Mangli Bai, who are sons and daughters of Dalkhuras filed an application for correction of Khasra Number of their land records. They were owners of lands bearing Khasra No.162/1, 162/2, 162/3, 162/4 & 162/5. Their lands came under acquisition proceedings initiated for acquiring land. The Patwari and the land Revenue Inspector joined the hands with Sarpanch and other persons and changed the names of land owners whereby the complainants were

deprived to receive the compensation payable to them and instead it was paid to some other persons who are not the actual owners. When the report was called from the Revenue Inspector, it was stated that the village map is not existing and survey is going on. Thereafter a written complaint was made to the Police but it was not taken cognizance. Therefore a complaint u/s 200 Cr.P.C., was filed before the JMFC, Katghora wherein the direction was issued to the Police to register FIR, thereby the proceeding has been taken against Patwari Jitendra and Revenue Inspector and others.

3. Learned counsel for the applicant would submit that nothing has been committed by the present applicant and the land of the present complainants were not at all acquired. He submits that the applicant is merely a Patwari and he has no role to play and it is at the behest of the Tahsildar, the cases of the land oustees are decided. He would further submit that only on presumption, the case has been registered and the entire map was prepared by the erst-while Patwari, who was earlier posted, therefore, the applicant may be admitted to anticipatory bail.
4. Perused the case diary.
5. The documents and the application filed by the complainants before the Tahsildar show that the land of the complainants were acquired for construction of road and they were actual parties but their lands were said to be different and the venue of it was exchanged whereby it is alleged that the benefit has been given to someone-

else whose lands actually have not been acquired. The investigation is at the nascent stage. The nature of allegations are serious. The fact as to whether factually the land of the complainants were acquired and the compensation thereof has been paid to someone-else is required to be investigated.

6. Taking into the nature of allegations, I am not inclined to grant benefit of anticipatory bail to the applicant Accordingly it is rejected.

Sd/-
GOUTAM BHADURI
JUDGE

Rao