

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**MCRCA No. 690 of 2021**

- Mohan Lal Pradhan S/o Shri Chandradhwaj Pradhan, aged about 62 years, R/o village Sankara, P.S. Sankara, District Mahasamund Chhattisgarh

-----Applicant**VERSUS**

- State of Chhattisgarh through: the SHO of police station Pithora,, District Mahasamund, Chhattisgarh

-----Respondent

For Applicant	: Mr. Sarfaraj Khan, Advocate
For Respondent- State	: Mr. B.P. Banjare, Dy. Govt. Advocate

Hon'ble Shri Parth Prateem Sahu, Judge***(proceedings through video conferencing)*****ORDER****19/07/2021**

1. Applicant has preferred this application under Section 438 of CrPC for grant of anticipatory bail as he apprehends his arrest in connection with Crime No.38/2017 registered at Police Station Pithora, District Mahasamund (C.G.) for the offence punishable under Section 420, 467, 468, 471 and 34 of IPC.
2. Case of the prosecution is, that one Bhim Kumar Sahu, Patwari has lodged written complaint under Section 200 of CrPC before the Court of Jurisdictional Magistrate mentioning therein that by manipulating the Revenue Records, grass land situated at Sankra, Tahsil Pithora, District Mahasamund has been recorded in the name of Urmila Bai, Vimla Bai and Chanchala Bai and thereafter the said grass land has been sold to Parvati Bai vide registered sale deed dated 16.04.2012. In the complaint, name of Rishikesh Pradhan, the then Revenue Inspector; H.R. Usman, the then Patwari and Dulichand Banjare, the then Tahsildar have been mentioned along with seller (Urmilabai) and purchaser (Parvatibai). Based on the

written complaint, Magistrate has directed for registration of F.I.R. against the persons named therein.

3. Mr. Sarfaraj Khan, learned counsel for the applicant would submit that the applicant is working as Patwari. He submits that vide order of transfer dated 14.09.2012, applicant was transferred from patwari halka no. 38 Block Basna to patwari halka no. 52 Block Pithora and additional charge of patwari halka no. 49 (disputed halka), 54 and 55 has been given to the applicant only vide order dated 01.02.2013. After making entries in the revenue records, sale deed was executed much prior of taking charge patwari halka no. 49, Tahsil Pithora where the disputed land is situated. Even the correction in the revenue records has already been done on 01.06.2012 by the then Patwari who is in-charge of the patwari halka no. 49. Applicant has no role to play in the alleged offence. He further submits that the co-accused Dulichand Banjare, the then Tahsildar, Rishikesh Pradhan, the then Revenue Inspector, Parvatibai, purchaser of land in dispute and the seller Urmilabai, Vimlabai and Chanchalabai were already enlarged on anticipatory bail. Co-accused Dulichand Banjare and Rishikesh Pradhan were enlarged on bail in MCRCA No. 1599/2019 and MCRCA NO. 952/2020 respectively and others were enlarged on bail by learned Court below. Case of present applicant is on better footing than that of co-accused, hence, the applicant is entitled for benefit under Section 438 of CrPC.
4. On the other hand, Mr. B.P. Banjare, learned State counsel, opposes the submissions made by the learned counsel for the applicant and submits that the applicant is working as Patwari and there is specific allegation that after making entries in the revenue records, grass land has been sold. However, he does not dispute the fact of order of transfer dated 14.09.2012 of applicant from block Basna to P.H. No. 52 block Pithora and order of giving additional charge of P.H. No. 49 with 54 & 55 to applicant was only on 01.02.2013.

5. I have heard learned counsel for the respective parties.
6. Taking into consideration the nature of allegation, the fact that the applicant, as evident from order dated 14.09.2012 and 01.02.2013, has been given additional charge of P.H. No. 49, whereas the sale deed itself was executed on 16.04.2012 and revenue records' entries have been corrected on 01.06.2012; other co-accused persons, as mentioned above, have been enlarged on bail, without commenting anything on merits, I am inclined to allow the bail application.
7. Accordingly, application is allowed and it is directed that in the event of arrest of applicant in connection with the crime in question (38/2017), he shall be released on anticipatory bail by the Officer arresting him on his executing a personal bond in the sum of Rs. 25,000/- with one surety in the like sum to the satisfaction of the concerned arresting Officer. Applicant shall also abide by the following conditions:
 - (i) that the applicant shall make himself available for interrogation before the Investigation 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 him/her 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/-
(Parth Prateem Sahu)
 Judge