

(Proceedings through video conferencing)

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No.759 of 2021

- Chakradhar Singh Sidar, son of Late Ganga Singh Sidar, aged about 44 years, resident of Shanti Nagar Housing Board Colony, Balco Nagar, Korba, Tahsil & District Korba (CG)

---- Applicant

Versus

- State of Chhattisgarh, through the Officer In-charge, Police Station Kotwali, Korba District Korba (CG)

---- Non-applicant

For Applicant	:	Mr. Amit Kumar Chaki, Advocate
For Non-applicant	:	Mr. Vimlesh Bajpai, Govt. Advocate

Hon'ble Mr. Justice Parth Prateem Sahu

Order On Board

9/8/2021

1. This is an application under Section 438 of CrPC for grant of anticipatory bail to the applicant as he apprehends his arrest in connection with Crime No.1085/2020 registered at Police Station Kotwali, Korba (CG) for commission of offence punishable under Sections 420, 465, 467, 468, 471 of IPC.
2. Case of the prosecution, in brief, is that the complainant upon obtaining revenue documents got knowledge that land bearing Khasra No.663/3 purchased by her father and succeeded by her, is recorded in her name as Khasra No.363/3. As per allegation, when complainant approached the Patwari concerned, she was informed that on Khasra No.663/3 one Palm Mall is constructed by Krishna Build Com and she will get land bearing Khasra No.363/3, but land bearing Khasra No.363/3 is not in existence. Based on this complaint, FIR is registered against present applicant.
3. Mr. Amit Chaki, learned counsel for the applicant would submit that at the time of digitalization of revenue records, the entries have been made by Data Entry Operators while preparing Bhuinya software. He further submits that after preparation of Bhuinya software, the department noted on 9.3.2021 that about 10,278 khasra numbers of different tahsils are required

to be deleted. He further submits that after getting knowledge that in Bhuinya software Khasra No.663/3, which is the land earlier recorded in the name of Arunima Singh daughter of Ramgulam Dubey, has been recorded as Khasra No.363/3, present applicant has submitted an application (Annexure A-2) before the competent authority i.e. Tahsildar, Korba for making correction in revenue records. On the application itself the Tahsildar, Korba has made an endorsement granting permission for correction of entries in revenue record and based upon which khasra number is corrected and land bearing Khasra No.663/3 measuring 0.039 hectare is recorded in the name of complainant. He further submits that from the contents of complaint and the proceedings drawn by applicant himself, it is clear that no criminal act or intent of applicant to cheat anyone is there. Applicant is a government servant, hence he may be enlarged on anticipatory bail.

4. On the other hand, Mr. Vimlesh Bajpai, learned Government Advocate for the State opposes the prayer for grant of anticipatory bail to present applicant. However, he does not dispute document of Annexure A-2, which is an application/ letter forwarded by present applicant to the Tahsildar, Korba for correction of entry in revenue record, and grant of permission by the Tahsildar, Korba for correction of entry in revenue record. He also does not dispute document of Annexure A-6 wherein name of complainant has been entered as owner of land bearing Khasra No.663/3 area 0.039 hectare.
5. I have heard learned counsel for the parties.
6. Taking into consideration the nature of allegations, the fact that while preparing digital records, entries have been done by Data Entry Operators; error was detected in digital records; after getting knowledge, present applicant by forwarding an application got the entry corrected in revenue record and land bearing Khasra No.663/3 measuring 0.039 hectare has been recorded in the name of complainant Arunima Singh, without

commenting anything on merits, I am inclined to grant benefit of anticipatory bail to applicant.

7. Accordingly, this anticipatory bail application is allowed and it is directed that in the event of arrest of applicant in connection with the crime in question, 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 Arresting Officer. Applicant shall also abide by the following conditions:

- (i) that he shall make himself available for interrogation before Investigating Officer as and when required;
- (ii) that he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him/her from disclosing such facts to Court or to any police officer;
- (iii) that he shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that he shall appear before the trial Court on each & every date given to him by said Court till disposal of trial.

Sd/-
(Parth Prateem Sahu)
Judge

roshan/-