

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 1622 of 2020

1. Keshav Prasad Verma S/o Durga Prasad Verma Aged About 62 Years Resident Of Bouripara, Ambikapur, Tahsil And Police Station Ambikapur, District Surguja Chhattisgarh.

---- Applicant

Versus

1. State Of Chhattisgarh Through Station House Officer, Police Station Ramanujganj District Balrampur Ramanujganj Chhattisgarh.

---- Respondent

MCRC No. 7316 of 2020

1. Vyasmuni Yadav S/o Late Shri Lalji Yadav Aged About 50 Years R/o Village Inderpur, Tehsil Ramanujganj, Police Station Ramanujganj, District Balrampur, Ramanujganj, Chhattisgarh

---- Applicant

Versus

1. State Of Chhattisgarh Through Officer In Charge Police Station Ramanujganj, Tehsil- Ramanujganj District Balrampur, Ramanujganj, Chhattisgarh

---- Respondent

For Applicant
(MCRCA No.1622 of 2020)

Mr. Ashish Shrivastava, Advocate

For Applicant
(MCRC No.7316 of 2020)

Mr. Anand Shukla, Advocate

For Respondent/State

Mr. Ayaz Naved, Govt. Advocate

Hon'ble Mr. Justice Prashant Kumar Mishra

Order On Board

17/3/2021

1. Since both the bail applications (438 & 439) are arising out of same crime number i.e. Cr.No.102/2015 they are being considered and decided by this common order.

MCRC No.1622 of 2020

2. The applicant – Keshav Prasad Verma has preferred this bail application for grant of anticipatory bail, as he apprehends his arrest in connection with Crime No.102/2015, registered at Police Station Ramanujganj, District Balrampur-Ramanujganj (CG), for offence punishable under Sections 420, 467, 468, 471 & 120-B read with Section 34 of the Indian Penal Code.

MCRC No.7316 of 2020

3. The applicant – Vyasmuni Yadav has preferred this bail application under Section 439 of CrPC, as he is arrested in connection with crime No.102/2015 registered at Police Station Ramanujganj, District Balrampur-Ramanujganj (CG), for offence punishable under Sections 420, 467, 468, 471 & 120-B read with Section 34 of the Indian Penal Code.
4. As per the written complaint moved by Naib Tahsildar on dated 18-7-2015, the present FIR (First Information Report) has been registered with the allegation that the applicant Vyasmuni Yadav and other agriculturists, who were enjoying lease of Government land, recorded as forest land, have got entered their names in the revenue records showing them to be holding the land on bhoomiswami rights and thereafter they sought permission from the concerned Collector for sale

of land to SKS Ispat Limited & Prakash Industries Limited, however, by different sale deeds executed in June, 2011 the land admeasuring 270 acres have been sold in favour of Fatehpur Coal Mining Company Private Limited. The land holders have, thus, defrauded the Government by selling Government land in favour of private companies who have won allocation of coal blocks covering the subject land.

5. Learned counsel for the applicant - Keshav Prasad Verma [MCRCA No.1622 of 2020] would submit that the applicant is a Sub Registrar, who had executed the sale deed in his official capacity, in discharge of official duties, therefore, he has not committed any crime. The applicant has also preferred WPCR No.123 of 2021 for quashing the FIR in which an interim order has been allowed in his favour by order dated 18-2-2021. Learned counsel would further submit that WPCR No.363 of 2016 has been allowed by this Court.
6. For the applicant - Vyasmuni Yadav [MCRC No.7316 of 2020] it is argued that he has been released on interim bail vide order dated 28-10-2020 and has not misused the liberty. It is also argued that this applicant has preferred CRMP No.729 of 2015 for quashing the FIR in which an interim order has been passed on 24-8-2015 and the prayer for vacating the interim order has also been rejected on 5-4-2018. These orders have been filed as Annexure – A/3 (Colly.).
7. Learned counsel for the State, *per contra*, would oppose both the bail applications.

8. Albeit hefty area of Government lease land has been transferred in a clandestine manner but at the same time, it is to be seen that the sale deed was executed in June, 2011 and thereafter, a departmental enquiry was contemplated against the applicant Keshav Prasad Verma in which he has been exonerated vide order dated 19-9-2013 (Annexure – A/5). Similarly, CRMP preferred by Vyasmuni Yadav and WPCR preferred by Keshav Prasad Verma have been entertained by a coordinate Bench of this Court and interim relief has been granted in favour of both the applicants.
9. In WPCR No.363 of 2016 (Daduram Sidar v State of Chhattisgarh & Others) it has been held by this Court that the Sub Registrar while registering the sale deed is not required to make an enquiry under Section 34 (3) of the Registration Act, 1908 *qua* title of vendor of the subject land, therefore, allowing execution of sale deed on the basis of documents placed before the Sub Registrar is done in official capacity, which, *prima facie*, does not make out a case for an offence under Sections 420, 120B and 424 read with Section 34 of the Indian Penal Code.
10. Applicant Vyasmuni Yadav has already been released on interim bail whereas applicant Keshav Prasad Verma, Sub Registrar, is a Government servant, aged 62 years and has not been arrested since after 2015 when the FIR was registered.
11. Considering the entire facts situation of the case, this Court is inclined to release the applicant – Keshav Prasad Verma on anticipatory bail and the applicant – Vyasmuni Yadav on regular bail.
12. Accordingly, both the bail applications are allowed.

13. It is directed that in the event of arrest of the applicant - Keshav Prasad Verma, he shall be released on anticipatory bail on his executing a personal bond for a sum of Rs.50,000/- (Rupees Fifty Thousand Only) with one surety in the like sum to the satisfaction of the arresting officer with the following conditions:-

- he shall make himself available for interrogation by a police officer as and when required;
- 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 from disclosing such facts to the Court or to any police officer.
- he shall not influence the witnesses during pendency of the trial.

14. The interim bail granted in favour of applicant – Vyasmuni Yadav by order dated 28-10-2020 is confirmed and the bail application is allowed in the same terms.

Sd/-

(Prashant Kumar Mishra)
Judge

Gowri