

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. (A) No. 1249 of 2021**

Hemant Manhar, S/o. Lt. Shri Kjudas Manhar, Aged about 52 years, R/o Prince Colony, Mahaveer Nagar, Tahsil & District Raipur (C.G.)

---- Applicant**Versus**

State of Chhattisgarh, through Police Station, Mana Camp, Distt. Raipur (C.G.)

----Non-applicant

For Applicant	:	Mr. Maneesh Sharma, Advocate.
For Non-applicant	:	Mr. Vimlesh Bajpai, Govt. Advocate.

Hon'ble Shri Justice N.K. Chandravanshi**Order On Board****25.11.2021**

(1) The applicant has filed this application for grant of anticipatory bail as he is apprehending his arrest in connection with Crime No. 314/2018 registered at police station Mana Camp, District Raipur (C.G.) for the commission of offence punishable under Sections 420, 467, 468, 471 & 120-B of the Indian Penal Code.

(2) Case of the prosecution, in brief, is that complainant Anusuiya Shrivastava has filed an application through her power of attorney holder under Section 156 (3) of the Cr.P.C. before Judicial Magistrate, First Class, Raipur stating that co-accused persons have collaborated to manipulate the main records of their land by showing the survey number of land belonging to other accused persons in place of the land belonging to the complainant – Anusuiya Shrivastava, regarding which the Additional Tahsildar has given a finding in his order that manipulation has taken place in the revenue records. Based on above facts, present crime under Sections 420, 467, 468, 471 & 120-B of IPC has been registered against three accused persons and the present applicant is one of them.

(3) Learned counsel appearing for the applicant would submit that applicant has been falsely implicated in the crime in question as there is no proof of involvement of the applicant in the crime in question. He would next submit that no manipulation has been done in the revenue records. The applicant, being a Patwari, has given revenue papers to co-accused Sushil Chand Pagariya. He would next submit that the dispute between the parties appears to be civil dispute although there is order of Additional Tahsildar for correction of revenue entries dated 19.1.2015, but it has been challenged before the Court of Sub-Divisional Officer by the other co-accused person and order of *status-quo* has been passed in his favour. He would next submit that despite pendency of this proceeding, false and frivolous complaint has been filed by the complainant. He would also submit that complaint has been filed after an inordinate delay and the applicant is presently working as Incharge of Record Room, Revenue Court, Tilda-Nevra. He would also submit that main accused Sushil Chand Pagariya has been granted anticipatory bail by the Coordinate Bench vide order dated 6.2.2019 passed in M.Cr.C. (A) No. 69/2019 whereas another co-accused Mahendra Dhadiwal has been granted anticipatory bail by First Additional Sessions Judge, Raipur vide order dated 16.9.2020 and the applicant is ready to abide by all the conditions imposed upon him for grant of anticipatory bail, therefore, he may be extended the benefit of Section 438 of the Cr.P.C.

(4) Per contra, learned counsel for the State while opposing the submissions made by counsel for the applicant would submit that at the relevant point of time, the applicant was posted as Patwari and he manipulated the revenue records and has also given copy of the same to the main accused, hence, he is not entitled for grant of anticipatory bail.

(5) I have heard learned counsel appearing for the parties and perused the case diary as well as material available on record.

(6) Considering the facts & circumstances of the case, particularly taking into consideration the fact that order passed by Tahsildar for correction of the revenue entries is under challenge before the Court of Sub Divisional Officer and the matter has been stayed and subsequent to that, present application/complaint has been filed by the applicant; also taking into consideration the fact that two co-accused persons have already been granted anticipatory bail, who are beneficiary of alleged

cheating/forgery, I am of the view that it is a fit case to grant anticipatory bail to the applicant. Accordingly, the application is allowed. It is directed that in the event of arrest, the applicant shall be released on anticipatory bail on his furnishing a bond in the sum of ₹ 25,000/- with one surety for the like sum to the satisfaction of the officer/Court arresting him and he shall abide by all the following terms and conditions:

- (i) that the accused/applicant shall make himself available for interrogation before the concerned Investigating Officer as and when required.
- (ii) that the accused/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 accused/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.

Certified copy, as per rules.

Sd/-

(N.K. Chandravanshi)
Judge

D/-

