

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1647 of 2020**

- Kanaiya Lal Yadav S/o Latel Ram Yadav Aged About 42 Years R/o Village Shivrinarayan, Police Station Shivrinarayan, District Janjgir Champa Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer , Police Station Shivrinarayan, District Janjgir Champa Chhattisgarh.,

---- Non-Applicant

For Applicant : Shri Malay Shrivastava, Advocate.
For Non-Applicant: Shri Ravish Verma, Govt. Advocate.

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****04/02/2021 :**

1. The applicant has preferred this application for grant of anticipatory bail as he apprehends his arrest in connection with Crime No.354/2020, registered at Police Station Shivrinarayan District Janjgir Champa for offences punishable under Sections 420, 467 and 468/34 of the IPC.
2. The applicant owned an area ad measuring 7 acres approximately bearing Khasra No.869/25 at village Tusma, PH No.14, RI Circle and Block Nawagarh, Tehsil Janjgir Champa. Out of the said area, an area of 1.60 hectares was acquired by the Collector, Janjgir Champa through mutual agreement and consequent sale deed executed by the applicant in favour of the State. As per the FIR lodged at the instance of the concerned SDO(R), the applicant has obtained more

compensation than for which he is actually entitled by changing the map and division of Khasra No.869/2. In substance, by indulging in such illegal activity, the applicant shown his land to be situated at a more strategic land which would fetch more compensation.

3. Present is a case where compulsory acquisition proceeding was not drawn. The applicant sold the land to the State Government through the Collector, Janjgir Champa by executing the sale deed pursuant to the mutual agreement. Thus it was not a case of compulsory acquisition but it was a case of voluntary sale by the applicant in favour of the State Government.
4. For construction of road, the public purpose for which the applicant was persuaded to sell his land in favour of the State, it is always based on survey and preparation of map wherein the State authorities are always aware of the location of the land and the owner thereof.
5. Learned State Counsel would oppose the prayer for grant of anticipatory bail.
6. Considering that the applicant has not altered the Khasra number but the same has been done by the Revenue Authorities and there is no allegation that the applicant has obtained compensation by impersonation or by selling someone else land, I am inclined to release the applicant on anticipatory bail.
7. Accordingly, the application is allowed and it is directed that in the event of arrest of the applicant, he shall be released on anticipatory bail on his executing a personal bond for a sum of Rs.50,000/- with one surety in the like sum to the satisfaction of the arresting officer with the following conditions:-
 - (i) he shall not influence the witnesses during trial.
 - (ii) he shall make himself available for interrogation by a police officer as and when required;

(iii) 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.

Sd/-
Judge
(Prashant Kumar Mishra)

Barve