

Pradyip Sharma v. State of Gujarat: Land Allotment Case

Facts

Offences

- S.409 IPC (Criminal Breach of Trust by Public Servant)
- S.219 IPC (Public Servant Framing Incorrect Record)
- S.114 IPC (Abetment)

Allegation: Misused Power (Collector)

Land History

- 65 Acres, Village Anandpara
- Allotted 1970 for Cultivation
- Forfeited 2000 (Non-cultivation)

Appellant's Order: Set Aside Forfeiture (27.03.2008)

High Court Rulings

- Dismissed Quashing FIR (12.12.2018)
- Rejected Anticipatory Bail (28.02.2019)

Noted Issues

- 7-Year Delay in Appeal
- Allottees Not Cultivating/Resided Abroad
- Order Passed After Transfer
- Multiple Similar FIRs

Appellant's Contentions

Quashing FIR

- Baseless/No Cognizable Offence
- Quasi-Judicial Capacity
- No Property Entrusted (S.409)
- HC Previously Upheld Order
- Erroneous Order Not Criminal

Anticipatory Bail

- Multiple Cases: Mala Fide Harassment
- Retired/No Re-offending Risk
- Documentary Evidence/No Custodial Interrogation Needed
- Cooperated Previously
- No S.409/219 IPC Offence
- Unblemished 30+ Year Service

Arguments

State's Contentions

Against Quashing FIR/Anticipatory Bail

- Misused Position
- Condoned 7-Year Delay
- Unduly Favoured Allottees (Absent 2 Decades)
- Order Passed Post-Transfer
- Misappropriated Government Land
- Ignored False Verifications
- Exceeded Jurisdiction (Directed Possession)
- HC Already Rejected Quashing
- Custodial Interrogation Necessary (10+ FIRs)
- Prima Facie Cognizable Offences

Quashing FIR

- Appeal Dismissed
- Serious Allegations Disclose Cognizable Offences
- Requires Thorough Investigation
- Factual Disputes Need Verification

Conclusion

Anticipatory Bail

- Appeal Allowed
- Custodial Interrogation Not Essential
- Allegations Relate to Administrative Discretion
- Prosecution Did Not Demonstrate Custody Necessity
- Appellant Willing to Cooperate
- No Evidence of Evasion/Obstruction
- Bail Granted for Official Records Cases
- Multiple Similar Allegations (No Tampering Evidence)

Conditions for Bail

- Bail Bond of Rs.1,00,000/-
- Appellant Must Cooperate with Investigation
- IO May Apply for Custody (If Required)