

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.5028 of 2015**

1. Bhincent S/o Bhauwa, aged about 65 years, R/o Phithaama, Police Chowki Kotva, Police Station Bagbahar, Tahsil Pathalgaon, Distt. Jashpur (CG)
2. Smt.Balamdina Kerketta, W/o Ravel Kerketta, aged about 33 years, R/o Jantatoli, Police Station Kurdeg, Dist. Simdega (Jharkhand)

---Applicants**Versus**

State of Chhattisgarh, Through the Station House Officer, Police Chowki Kotva, Police Station Bagbahar, Tahsil Pathalgaon, Dist. Jashpur (CG)

---Non-applicant

For Applicants	:	Mr. B.D.Guru, Advocate
For Non-applicant	:	Mr. Neeraj Jain, Government Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****29/09/2015**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime No.10/2015, registered at Police Chowki-Kotva, Police Station-Bagbahar, District Jashpur (CG), for the offence punishable under Sections 420, 468 and 471 read with Section 34 of the IPC.

2. Case of the prosecution, in brief, is that co-accused Domanik has produced the copy of khasra panchshala of the year 1947-48 before the revenue officer in which name of Sanu, grandfather of the present applicants was fraudulently got entered into and one of the co-accused Kusum tried to obtain caste certificate.

3. Learned counsel for the applicants would submit that grandfather of the complainant namely Etwa and grandfather of the present applicants namely Sanu both were brothers. In fact, there is dispute of landed property between two families and recording their names in the year 1947-48 will not make out the

offence and it is said to be produced by Domanik and others. It has not been produced by the present applicants. He would also submit that civil dispute is pending between two families and as such, they have falsely been implicated in crime in question, they are in jail since 14.8.2015 and charge-sheet is yet to be filed and therefore, they may be released on bail.

4. On the other hand, learned counsel for the State would oppose the bail application and submit that the present applicants got the name of Sanu recorded, which facilitated to other co-accused persons to make the claim and they got title, their names have been recorded and they were trying to obtain caste certificate by making forged entry in khasra panchshala of the year 1947-48.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts and circumstances of the case; further taking into consideration the nature and gravity of offence; role of the present applicants; nature of dispute, allegation against the present applicants; and their pre-trial detention, this Court is of the opinion that present is the fit case, in which, the applicants should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicants **Bhincant** and **Smt.Balamdina Kerketta** shall be released on bail on their furnishing a personal bond in the sum of **Rs.25,000/-** each with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

9. Certified copy as per rules.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-