

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 6158 of 2017**

- Mirza Azeem Baig S/o Late Shri Janulabideen, Aged About 47 Years, R/o Kabir Ward No. 6, Daupara Mungeli, District Mungeli, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Mungeli, District Mungeli, Chhattisgarh.

---- Non-applicant**And****MCRC No. 7002 Of 2017**

- Anildas Manikpuri S/o Jhagardas Manikpuri, Aged About 40 Years, R/o Village Dhangaon, Gosai, Police Station Jarhagaon, Tahsil & District Mungeli Chhattisgarh

---- Applicant**Vs**

- State Of Chhattisgarh Through Station House Officer, P. S. City Kotwali Mungeli, District Mungeli Chhattisgarh

---- Non-applicant

For Applicant : - Shri Mateen Siddiqui, Advocate (in MCRC No.6158/2017),
Shri C.R.Sahu and Shri A.D.Kuldeep, Advocates (in MCRC No.7002/2017).

For Non-applicant/State :- Shri Om P. Sahu, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**27/11/2017**

1. As both the applications arise out of the same crime number, i.e. Crime No.94/2017 registered at P.S. Mungeli, District Mungeli, C.G. for the offence under Section 420, 467, 468, 471, 120B of the IPC, they are being decided by this common order.
2. It is submitted on behalf of both the applicants that these are first bail application of the applicants under Section 439 of the

Cr.P.C. before this Court. The applicants have been falsely implicated in this case.

3. It is submitted by learned counsel for applicant Mirza Azeem Baig that co-accused Atma Ram in this case prayed for correction of entries on the basis of batwaranama. Consequent to which, entries were corrected by the applicant, which was again certified by Superintendent, land records. Later on, when the applicant came to know that the batwaranama presented for correction was a forged document, the entries were corrected again and the issuance of Rin-Pustika was also cancelled. The applicant has filed Cr.M.P. No.1163/2017, a petition under Section 482 of the Cr.P.C., praying to quash the FIR against him, for which by order dated 01.09.2017 the applicant had been granted interim relief. Hence, the applicant deserves to be enlarged on regular bail.

4. Learned counsel for applicant Anildas Manikpuri in MCRC No7002/2017 submits that the applicant is simply a Kotwar. He has no role to play in the correction of the revenue records or issuance of any Rin-Pustika. He has been falsely implicated in this case. Hence, he may be enlarged on bail.

5. Learned counsel for the State/non-applicant opposes the applications and submissions made. It is submitted that applicant Mirza Azeem Baig in capacity of Patwari had no authority to make any correction in the revenue record, by making the same he has assisted the main accused in commission of the offence and looking to the dates of issuance of Rin-Pustika and the date of correction in

the mutation record, the theory put-forth by the applicants is improbable. Hence, the applicants are not entitled for grant of bail.

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

7. Facts of the case are these that co-accused Atma Ram Sahu presented a Rin-Pustika before the Court of Additional Sessions Judge Mungeli for furnishing bond of surety. The said Rin-Pustika was sent to be examined by Tahsildar Mungeli, who, in turn, reported that the Rin-Pustika was fake and forged. On a complaint made by the ASJ Mungeli, the FIR was lodged and the case was investigated, in which, role of the applicants have been found that they had been the author of the said Rin-Pustika.

8. Considered on the submissions made and contents of the case diary.

9. It is observed that the date of issuance of Rin-Pustika by applicant Mirza Azeem Baig is 16-08-2016, whereas, date of correction in the mutation record cancelling the earlier mutation in favour of co-accused Atma Ram is 14-08-2016. Hence, for these reasons, the issuance of Rin-Pustika on 16-08-2016 is by itself creation of a document on the basis of such entries which were not existing in the mutation/revenue records. Be that as it may, but in the present circumstance of the case, applicants Mirza Azeem Baig is a public servant and he is in jail since 15-07-2017 and applicant Anildas Manikpuri is in jail 20-08-2017, after filing of the charge sheet the trial of the case is likely to take some time, keeping the applicants continuously in jail till conclusion of the trial will not serve

any purpose, appearance of the applicants before the trial Court can be ensured by imposing condition, only for this reason, both these applications (MCRC No.6158/2017 and MCRC No.7002/2017) are hereby allowed.

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

11. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge