

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 363 of 2019**

1. Bhagwat S/o Late Tejram Aged About 75 Years R/o Village- Salhekapa, Post- Kargikala, Police And Tahsil- Thakhatpur, District- Bilaspur, Chhattisgarh.
2. Gopal Prasad S/o Late Tejram Aged About 55 Years R/o Village- Salhekapa, Post- Kargikala, Police And Tahsil- Thakhatpur, District- Bilaspur, Chhattisgarh.
3. Somnath S/o Late Ekram Aged About 45 Years R/o Village- Salhekapa, Post- Kargikala, Police And Tahsil- Thakhatpur, District- Bilaspur, Chhattisgarh.
4. Kumar Shahab S/o Late Ekram Aged About 35 Years R/o Village- Salhekapa, Post- Kargikala, Police And Tahsil- Thakhatpur, District- Bilaspur, Chhattisgarh.

---- Applicants**Versus**

1. State Of Chhattisgarh Through District- Magistrate, District- Bilaspur, Chhattisgarh.
2. Puneram S/o Late Matturam R/o Village- Chichirda, Tahsil- Thakhatpur, District- Bilaspur, Chhattisgarh.
3. Sukhand S/o Late Matturam R/o Village- Bhatgaon, Tahsil- Bilha, District- Bilaspur, Chhattisgarh.
4. (Deleted) Shivcharan (Dead) As Per Court Order Dt. 16-05-2019.
5. Sonsai S/o Late Matturam R/o Village- Bhatgaon, Tahsil- Bilha, District- Bilaspur, Chhattisgarh.
6. Gorelal S/o Late Matturam R/o Village- Bhatgaon, Tahsil- Bilha, District- Bilaspur, Chhattisgarh.

---- Respondents

For Applicants	: Shri Akhat Kumar Yadav, Advocate.
For State	: Shri Alok Nigam, G.A.
For Respondent No. 2,3,5 & 6	: None

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

26/11/2019

1. The applicants have preferred this first bail application under Section 438 of Cr.P.C. for apprehending arrest in connection with Complaint Case No. 1221/2018 registered at J.M.F.C., Bilha, District – Bilaspur, (C.G.). for the offence punishable under Sections 420, 467, 468, 471, 120-B of Indian Penal Code.
2. As per the prosecution story, present applicants are the legal heirs of Jala Bai and complainant parties are the legal heirs of Melan Bai. Jala Bai and Melan are the real sisters. Their father Mahesh owned land in village Chichirda and Bodri. As per the complaint filed by the complainant, land in dispute which is situated in village Bodri was recorded in the name of Melan Bai and Jala Bai up to 25.07.2013 in the revenue records. Allegedly, present applicants prepared a forged letter of consent dated 07.02.2013 and on the basis of the said letter of consent, they have made entries of their name in the revenue records. Thus, applicants have committed alleged crime.
3. Learned Counsel appearing for the applicants submits that the applicants are innocent and have been falsely implicated in the present case. He further submits that *prima facie*, no case is made out against any of the applicants. Whole case is of civil nature. Said land was duly mutated vide mutation order dated 11.12.2014 in the name of the applicants and said order was not challenged by the complainants before any Appellate Court or Revisional Court. It is further submitted that there is also a civil suit pending with regard to

the disputed land. Looking to the above, applicants may be granted the benefit of anticipatory bail.

4. Learned Counsel appearing for the State oppose the bail application. He further submits that as per the inquiry report, consent letter dated 07.02.2013 was found to be forged and on the basis of the said forged consent letter of applicants, mutation was done by applicant No. 1 & 2. This fact was within the knowledge of applicant No. 1 & 2 only. Also with regard to applicant No. 3 & 4, State Counsel fairly admits the fact that there is no any material available on record on the basis of which it can be said that the alleged forged document was prepared by them or they were in knowledge of the said document.
5. I have heard learned Counsel appearing for the parties and perused the material available with due care.
6. Taking into consideration the submissions put-forth on behalf of the parties, considering the facts and circumstances of the case, evidence collected by the prosecution, I find that there is sufficient evidence available against applicant No. 1 & 2, therefore, this application is dismissed with regard to applicant No. 1 i.e. Bhagwat & applicant No. 2 i.e. Gopal Prasad. With regard to applicant No. 3 & 4, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to applicant No. 3 i.e. Somnath and applicant No. 4 i.e. Kumar Shahab.
7. Accordingly, the bail application is partly allowed.

8. It is directed that in the event of arrest of the applicant No. 3 & 4 in connection with the aforesaid crime, they shall be released on anticipatory bail on each of them furnishing a personal bond in the sum of Rs. 20,000/- with one solvent surety for the like sum to the satisfaction of the Arresting Officer/Presiding Officer of the concerned trial Court. They shall also abide by all the following terms and conditions :

- (i) They 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 fact to the Court,
- (ii) They shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) They shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Sd/-
(Arvind Singh Chandel)
Judge