

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 202 of 2021**

Gulzar Khan @ Madul S/o Late Usman Khan Aged About 37 Years R/o Village Rampur, Police Station And Tahsil Kartala, District Korba Chhattisgarh

**---- Applicant**

**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station Shyang, District Korba Chhattisgarh

**---- Respondent**

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|---------------|---|-----------------------------------------------------------|
| For Applicant | : | Shri N.K. Chatterjee and Shri Basant Kaiwartya, Advocates |
| For State     | : | Shri Chandresh Shrivastava, Dy. A.G.                      |

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**S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava**

**Order On Board**

**02/06/2021**

Heard.

1. The applicant is arrested in connection with Crime No.15/2020 registered in Police Station -Shyang, District- Korba (CG) for alleged commission of offence under Sections 420, 467, 468, 471, 120-B/34 IPC.
2. This is the second bail application of the applicant. His first bail application was dismissed as withdrawn on 11.12.2020 with liberty to revive after filing of charge sheet.
3. Case of the prosecution, in brief, is that the applicant and another co-accused persons hatched conspiracy and in furtherance of that conspiracy, log-in ID of concerned Patwari, who is custodial of revenue records, was hacked and thereafter revenue records which recorded the land as Govt. land were changed by forging documents and approximately 3 hectares of Govt. land

was sold out.

4. Learned counsel for applicant would argue that the applicant has been falsely implicated and the only basis for involvement of the present applicant in the alleged commission of offence is memorandum of co-accused and except that, there is no other substantive evidence collected by the Govt. agency to involve the present applicant. He further submits that as the investigation is complete and charge sheet has been filed, further custody of the applicant is no longer necessary. It is also argued that till that, there is no material progress in the trial and even till date, only four witnesses have been examined. Therefore, at this stage, the applicant may be granted bail as he is not likely to abscond or in a position to tamper with the prosecution witnesses as most of these witnesses are official witnesses and Govt. servant.
5. On the other hand, learned counsel for the State opposed the bail application by submitting that in the investigation when memorandum of other co-accused was recorded, they have involved the present applicant also in the alleged conspiracy under which a big chunk of Govt. land admeasuring 3 hectares was sold to third party showing it to be a private land by forging the Govt. revenue records. It is also submitted that though charge sheet has been filed, investigation is still going on in connection with another accused who is still absconding and said to be the master mind.
6. Taking into consideration the submissions made by learned counsel for the respective parties, particularly taking into consideration the nature of allegation against the present applicant, material available against him, the period of his pre-trial detention, at this stage, this Court is inclined to grant bail to the applicant.
7. The application is accordingly allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- along with two local sureties for the like amount to the satisfaction of the concerned trial Court, with following further conditions that:-
  - (i) the applicant shall not act in any manner which will be prejudicial

to fair and expeditious trial; and

- (ii) the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-  
**(Manindra Mohan Shrivastava)**  
Vacation Judge

Praveen