

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 621 of 2021**

Smt. Bhumika Sahu W/o Dilip Sahu Aged About 33 Years
Resident of Village Hardibhatha Police Station Mainpur District
Gariyaband Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh Through The Station House Officer
Police Station Mainpur , District Gariyaband Chhattisgarh.

---- Non-applicant

For Applicant : Shri Avinash Chand Sahu, Advocate
For Non-applicant/State : Shri B.L. Sahu, P.L.
For Objector : Shri Anil Tripathi, Advocate

(Proceedings through Video Conferencing)
Hon'ble Shri Justice Parth Prateem Sahu

Order on Board**26.07.2021**

1. The applicant has preferred this first bail application under Section 438 of the Cr.P.C. for grant of anticipatory bail, as she is apprehending her arrest in connection with Crime No.01 of 2021, registered at Police Station Mainpur, District Gariyaband (C.G.), for offence punishable under Sections 420, 467, 468, 471/34 of Indian Penal Code.
2. Case of the prosecution in brief, is that, present applicant with co-accused Mahendra Sahu and Pawan Kumar Komarra with common intention have prepared forged *Bhuadhikar* Patta of land bearing Kharsa Nos.271/2 ad-measuring 3.90 hectares in the name of applicant. Based on the forged *Bhuadhikar* Patta, applicant has sold the paddy to Co-operative Society and has

taken several benefits under the Government scheme. On the basis of report submitted by Brijlal, inquiry was conducted and during the course of inquiry, aforementioned crime was detected and registered before the concerned Police Station against the present applicant and other co-accused persons.

3. Shri Avinash Chand Sahu, learned counsel for the applicant submits that applicant is not involved in any manner in the commission of crime as alleged against her. He further submits that applicant is house-wife and even if she made any application based on *Bhuadhikar* Patta, but was not aware of the nature of Patta, which might have been obtained by co-accused. He further submits that as the applicant is not involved in preparing the forged *Bhuadhikar* Patta in any manner, which has been issued by the then Patwari, hence, she may be granted anticipatory bail.
4. Per contra, Shri B.L. Sahu, learned Panel Lawyer representing the State vehemently opposes the bail application and submits that applicant is not resident of village, of which, she is having *Bhuadhikar* Patta of Khasra No.271/2. He further submits that after preparing forged *Bhuadhikar* Patta, applicant has opened the account in bank and sold the paddy through forged Patta, hence, she is involved in commission of crime and not entitled for grant of anticipatory bail.
5. Shri Anil Tripathi, learned counsel for the objector submits that main accused is Mahendra Sahu and present applicant is sister-in-law of Mahendra Sahu, he not only get forged *Bhuadhikar* Patta

prepared in her name, but also have used in selling paddy and took benefits under different Government schemes.

6. Upon putting specific query to learned State counsel with regard to preparation of forged *Bhuadhikar* Patta, he submits that brother-in-law of present applicant i.e. Mahendra Sahu is politically influential person, he in connivance with Revenue Officers, got prepared forged Patta.
7. I have heard learned counsel for the parties.
8. Taking into consideration entire facts and circumstances of the case, nature of allegations, statements made by learned counsel for the applicant, objector and State counsel that forged Patta has been prepared by co-accused in connivance with Revenue Officers, applicant has been shown to be house-wife, without commenting anything into the merits of the case, I am inclined to release the present applicant on anticipatory bail.
9. Accordingly, bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, she shall be released on anticipatory bail on her furnishing a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with one surety in the like sum to the satisfaction of the arresting officer and she shall be abide by the following conditions :-

(i) she shall make herself available for interrogation by a police officer as and when required;

(ii) she 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 her from disclosing such facts to the Court or to any police officer.

(iii) she shall not influence the witnesses during pendency of the trial.

Certified copy as per Rules.

Sd/-
(Parth Prateem Sahu)
Judge