

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4441 of 2021

Baijnath Pandey S/o Late Ramprasad Pandey Aged About 62 Years R/o Bartikala, Police Station Basantpur, District Balrampur Ramanujganj Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through The Incharge Chhowki Wadrafnagar, Police Station Basantpur, District Balrampur Ramanujganj Chhattisgarh

---- Respondent

And

MCRC No. 4716 of 2021

Pancham Patel S/o Devdutt Patel Aged About 30 Years (Wrongly Mentioned As 69 Years In The Bail Rejection Order) Resident Of Sondoha, Police Chowki Revti, District Surajpur Chhattisgarh., District : Surajpur, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through The Incharge, Chowki Wadrafnagar Police Station Basantpur, District Balrampur Ramanujganj Chhattisgarh., District : Balrampur, Chhattisgarh

---- Respondent

For Applicants	:	Shri D.N. Prajapati, Advocate
For State	:	Shri Lalit Jangde, Dy. Govt. Advocate

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

Order On Board

03/09/2021

Heard.

1. MCRC No.4441 of 201 and MCRC No.4716 of 2021 are being disposed off by

this common order as both the bail applications arise out of same crime number.

2. The applicants are arrested in connection with Crime No.115/2020 registered in Police Chowki- Wadrafnagar, Police Station- Basantpur, District- Balrampur- Ramanujganj (CG) for alleged commission of offence under Sections 420, 467, 468, 471, 417, 120-B, 34 IPC.
3. These are the second bail applications on behalf of the applicants. Their earlier bail applications have been dismissed as withdrawn on 5.2.2021.
4. Case of the prosecution, in brief, is that the applicants are involved in preparing forged land *patta* for being distributed to villagers by taking money.
5. Learned counsel for the applicants would submit that allegation against the applicants are false. They are not involved in any such offence and the applicant No.1 is working as Peon, whereas applicant No.2 is a Photocopier. The applicants are in jail since 9.9.2020 and so far, only 21 witnesses have been examined but as there are in all 49 witnesses, the trial is not likely to conclude early. It is also added that the applicants are aged persons. Learned counsel for the applicants further submits that one of the co-accused namely Ramvriksh has already been granted bail by this Court, therefore, at this stage, present applicants may also be granted bail by imposing appropriate terms and conditions to secure their presence.
6. On the other hand, learned counsel for the State opposed the applications and submits that the manner in which the applicants are involved in the alleged commission of offence, a prima facie case is made out because they were found preparing forged *patta* for being distributed to villagers by taking money, which involved huge chunk of Govt. land admeasuring 1200 acres. Applicant- Baijnath Pandey is the master mind as he was directly involved in preparing and distributing forged *patta* to villagers. He submits that the other applicant- Pancham Patel was the person who was providing print out of forged *patta* by using his computer.
7. On prima facie consideration, this Court finds that the allegation in the present case involves huge chunk of Govt. land to the extent of 1200 acres and prima

facie, the main accused appears to be Baijnath Pandey who was the Peon in the Forest Department and according to the prosecution case, the seal which was used to forge the documents was also seized from his possession. The allegation is not merely of cheating but also of forgery. Therefore, considering the role of applicant- Baijnath Pandey which is different from that of other accused including Ramvriksh who has already been granted bail, bail application of applicant- **Baijnath Pandey is rejected**. However, taking into consideration that the other applicant/accused- Pancham Patel is involved to the extent that at the request of Baijnath Pandey, he had used his computer, bail application of applicant- **Pancham Patel is allowed** and it is directed that applicant – **Pancham Patel** shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- along with one local surety for the like amount to the satisfaction of the concerned trial Court with following further conditions:-

- (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.
8. In case the trial is not concluded within a period of six months, applicant- Baijnath Pandey would be at liberty to revive his bail application.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge