

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No.6236 of 2021**

- Mahendra Sahu, son of Shri Loknath Sahu, aged about 48 years, resident of village Hardibhatha, P.S. Mainpur, District Gariyaband (CG)

---- Applicant (In Jail)

Versus

- State of Chhattisgarh, through the Station House Officer, Police Station- Mainpur, District- Gariyaband (CG).

....Non-applicant

&**MCRC No.6609 of 2021**

- Dilip Kumar Sahu, son of Shri Loknath Sahu, aged about 46 years, resident of village Hardibhatha, P.S. Mainpur, District Gariyaband (CG)

---- Applicant (In Jail)

Versus

- State of Chhattisgarh, through the Station House Officer, Police Station- Mainpur, District- Gariyaband (CG).

....Non-applicant

For Applicants : Mr. Avinash C Sahu, Advocate.
For Non-applicant : Dr. Veena Nair, Dy. Advocate General.

Hon'ble Mr. Justice Parth Prateem Sahu**Order On Board****4.10.2021**

1. As above bail applications arise out of same crime number, they are being heard together and disposed off by this common order.
2. Both the above applications filed under Section 439 of the Code of Criminal Procedure, 1973 are first application for grant of regular bail to applicants, who are in custody from 2.8.2021 in connection with Crime No.1/2021 registered at Police Station Mainpur, District Gariyaband (CG) for

commission of offence punishable under Sections 420, 467, 468, 471, 120B, 34 of the Indian Penal Code.

3. Case of prosecution, in brief, is that applicant Mahendra Sahu got prepared forged Bhu-adhikar patta of land bearing khasra Nos.271/1 & 271/2 area 3.90 & 3.89 hectare respectively situated in village Chhote Gobra in name of his wife Bhumika Sahu & Sandhya Sahu, wife of applicant Dilip Sahu, based on which sold paddy in Paddy Procurement Centre of Co-operative Society concerned and also obtained several other benefits under the scheme floated by the State Government. On report being lodged by complainant Brijlal, enquiry was conducted, based on enquiry report, aforementioned crime is registered against applicants and other co-accused persons including concerned Patwari (revenue officer).
4. Mr. Avinash Chand Sahu, learned counsel for applicants in both applications would submit that no bhu-adhikaar patta is issued by any revenue officer in the name of applicant Dilip Sahu, but he has been implicated in offence in question only because he is husband of co-accused Bhumika Sahu in whose name forged bhu-adhikaar patta is stated to be issued. He submits that allegation against applicant Mahendra Sahu is that he has done all acts to get bhu-adhikaar patta prepared in his name and in the name of other family members. Applicant Mahendra Sahu has not committed any offence as alleged against him. Applicants have moved application before the revenue authority concerned, who had issued patta.

Applicants have surrendered on 2.8.2021 and since then they are in custody. Co-accused persons including revenue officer i.e. Patwari who has allegedly entered name of applicant Mahendra Sahu and co-accused Smt. Sandhya in computer has already been extended benefit of anticipatory bail. After surrender of applicants, the police completed investigation and as per submission made by learned State Counsel on the last date of hearing, the police was about to file charge sheet before the Court of competent jurisdiction. Hence, applicants may be granted regular bail.

5. Per contra, Dr. Veena Nair, learned State Counsel opposes the submissions made by learned counsel for applicants and submits that in case diary it is applicant Mahendra Sahu who has been shown to be instrumental in getting prepared forged bhu-adhikaar patta in his own name as also in the name of two other persons, who belong to his family, one of whom is wife of applicant Dilip Sahu. Hence, applicants are not entitled to be released on regular bail. However, on putting specific query with respect to submission made by learned counsel for applicants whether investigation is complete or not, after going through noting made in file, she submits that earlier case diary was sent back for filing of charge sheet, however, on account of listing of these bail applications, case diary is called back, therefore, charge sheet could not be filed till date.
6. I have heard learned counsel for the parties.
7. Taking into consideration nature of allegations, submissions made by learned counsel for respective parties; the fact that

applicants are in custody from 2.8.2021; co-accused persons including Revenue Officer have already been granted anticipatory bail by the High Court; offences are triable by Magistrate 1st Class and disposal of trial may take some time, without commenting anything on merits of case, I am inclined to allow both these bail applications.

8. Accordingly, the applications are allowed and it is directed that **applicant Mahendra Sahu (M.Cr.C. No.6236/2021) & Dilip Kumar Sahu (M.Cr.C. No.6609/2021)** shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/-each with one surety in the like sum to the satisfaction of the Court below concerned on the conditions that;
- a) they shall appear before the trial Court concerned regularly on each & every date unless exempted from appearance.
 - b) they shall not, in any manner, tamper with the prosecution witnesses.
 - c) If they are found involved in similar offence in future, it will be open for the State to apply for cancellation of bail.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge

roshan/-