

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. (A) No. 1085 of 2021**

Ghasilal Patel, S/o Jivanlal, aged about 61 years, Occupation Notary & Advocate at Civil Court Dabhra, Resident of village Redapara, Bijni, P.S. Dabhra, District – Janjgir-Champa (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through : P.S. Dabhra, District – Janjgir-Champa (C.G.)

----Non-applicant

M.Cr.C. (A) No. 1199 of 2021

Laxminarayan Patel, son of Jeevanlal, aged about 53 years, Occupation Service Khand Pashu Chikitsa Adhikari Kunkuri, District Jashpur (C.G.) at present resident of Redepara Bijni, Police Station and Tehsil Dabhra, District Janjgir-Champa, Chhattisgarh

---- Applicant

Versus

State of Chhattisgarh, Through : P.S. Dabhra, District Janjgir-Champa (Chhattisgarh)

----Non-applicant

For Applicants	: Mr. Surfaraj Khan, Advocate.
For Non-applicant	: Mr. Vimlesh Bajpai, Govt. Advocate.
For Objector	: Mr. Punit Ruparel, Advocate.

Hon'ble Mr. Justice N.K. Chandravanshi

Order On Board

23-11-2021

(1) Since both the bail applications filed under Section 438 of the Cr.P.C. arise out of a common Crime No. 323/2021, therefore, they are being heard analogously and decided by this Common Order.

(2) The applicants have filed these applications for grant of anticipatory bail as they are apprehending their arrest in connection with Crime No.323/2021 registered at police station Dabhra, District Janjgir-Champa for the offences punishable under Sections 420, 467, 468, 471 & 120-B of the Indian Penal Code.

(3) Case of the prosecution, in brief, is that applicant & other co-accused persons in collusion with the revenue officers fraudulently got their name mutated in the revenue records on the basis of un-registered sale-deed by manipulating the revenue records in relation to the alleged land total Khasra No. 13, total area 6.48 acres situated at village Redepara, Tahsil Dabhra, District Janjgir-Champa and thereby committed fraud and cheating against the complainant. Hence, on the basis of written complaint filed by the complainant, offences under Sections 420, 467, 468, 471 & 120-B of the Indian Penal Code have been registered against the applicants.

(4) Learned counsel appearing for the applicants would submit that both the parties are of similar family tree; earlier also some transactions were made between them, thereafter, order of mutation was passed by the Tahsildar, Dabhra pertaining the alleged land and the alleged land was mutated in the name of applicants and other family members/other co-accused persons. He would next submit that it is totally a case of civil dispute and the civil suit in this regard is pending between the parties in the Civil Court, Dabhra, hence, the applicants may be extended the benefit of Section 438 of the Code of Criminal Procedure.

(5) On the other hand, learned counsel for the State/Objector while opposing the submissions made by counsel for the applicant would submit that applicants & other co-accused persons in collusion with the revenue officers got mutated the alleged land in their names without having registered sale-deed. He would next submit that the applicant & co-accused persons have also manipulated the revenue records to get the alleged land mutated in their names, which has been reported by Enquiry Committee headed by Deputy Collector & other revenue officers. He would next submit that it is a case of fraud, cheating and manipulation in the revenue records, which is heinous crime, hence the applicants are not entitled for anticipatory bail.

(6) I have heard learned counsel appearing for the parties and perused the case diary as well as material available on record.

(7) Taking into consideration the fact that without registered sale-deed of alleged land, mutation was made fraudulently in collusion with the revenue officers; and the team of Deputy Collector and other revenue officers have made the enquiry report in this regard, in which, it has been mentioned that fake & forged signature have been found for making mutation. I am of the view that it is not a fit case to extend the benefit of anticipatory bail to the applicants. Thus, the anticipatory bail applications filed by both the applicant are hereby rejected.

Sd/-

(N.K.Chandravanshi)
Judge

D/-

