

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRCA No. 1175 of 2021**

Tumeshwar Yadav S/o Shri Arjun Yadav Aged About 23 Years  
 Ahir By Caste Occupation Agriculture, R/o Village Khaliba P.  
 S. Gandhi Nagar, Tehsil Ambikapur District Surguja CG

**---- Applicant****Versus**

State Of Chhattisgarh Through Station House Officer, Police  
 Station Gandhi Nagar, Tehsil Ambikapur District Surguja CG

**---- Non-Applicant**


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For Applicant : Shri Shaktiraj Sinha, Adv.  
 For State/Non-Applicant : Shri Alok Nigam, Govt. Adv.

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**Hon'ble Shri Justice N.K. Chandravanshi****Order On Board****22-112021**

1. The applicant has preferred this bail application under Section 438 of the Cr.P.C. for grant of anticipatory bail as he apprehends his arrest in connection with Crime No. 173/2021 registered at Police Station Gandhinagar, Distt. Sarguja (CG) for the offence punishable under Sections 420, 467, 468, 471, 34 of the Indian Penal Code.

2. As per the case of the prosecution, the applicant, who is power of attorney holder of alleged sold land, put forged seal and signature of revenue authorities on the revenue documents i.e. Form B-1, Khasra Naksa Chohaddi and sold the land by executing registered sale deed 11-11-2020 in favour of 5 co-accused persons. On the basis of letter dated 7-2-2021 written by the Tehsildar, Ambikapur, present crime was registered on 3-4-2021 against the applicant and 5 other co-accused persons under Section 420, 467, 468, 471, 34 of the IPC.

3. Learned counsel for the applicant submits that applicant is innocent, he has been falsely implicated in this crime. In fact, the applicant downloaded the alleged revenue documents from Bhuiyan software, which is a software of government of Chhattisgarh, and gave application to Tehsildar enclosing those documents for putting

seal and signature and after some time, when the applicant met concerned Patwari and asked for those documents, then he gave that document to the applicant. He next submits that the Patwari wanted to sell that land to his relative namely Dashrath Jaiswal but since the applicant did not sell the land to his relative, therefore, present crime has been falsely registered against the applicant. He further submits that out of six accused persons, 5 accused persons have been granted anticipatory bail by the coordinate bench, therefore, applicant may also be granted anticipatory bail.

4. On the other hand, learned State counsel opposes the application for grant of anticipatory bail and submits that it is a case of making of false and fabricated revenue documents to sell land. He also submits that though other accused persons have been granted anticipatory bail but their roles are different. Present applicant is main accused, hence, he is not entitled for benefit of parity. Therefore, the bail application may be rejected.

5. I have heard learned counsel for the parties, perused the case diary and the material available on record.

6. Considering the facts and circumstances of the case, nature and gravity of offence, also taking into consideration the submission made by counsel for applicant that co-accused persons have been granted anticipatory bail by the coordinate bench, I feel inclined to grant anticipatory bail to the applicant.

7. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on anticipatory bail by the officer arresting him on executing a personal bond in a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the officer arresting him. The applicant shall also abide by the following conditions:-

- (i) that he shall make himself available for interrogation before the investigating officer as and when required;
- (ii) that he 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 him/her from disclosing such facts to the Court or any police officer.

- (iii) that he shall not act in any manner which will be prejudicial to fair and expeditious trial; and
- (iv) that he 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/-**  
**(N.K. Chandravanshi)**  
**JUDGE**