

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7633 of 2021**

Smt.Basanti Baghel W/o Shri Premlal Baghel Aged About 35 Years
Caste Gaada, R/o Village Kulharighat, Police Station Mainpur, District
Gariyaband Chhattisgarh

---- Applicant

Versus

State of Chhattisgarh Through District Magistrate, Gariyaband
Chhattisgarh. In respect of Crime Number 63 of 2021 registered at
Police Station Mainpur, District-Gariyaband, (C.G.).

---- Respondent

MCRC No. 7635 of 2021

Smt. Mamta Baghel W/o Shri Manohar Baghel Aged About 39 Years
Caste Gaada, R/o Village Kulharighat, Police Station Mainpur, District
Gariyaband Chhattisgarh

---- Applicant

Versus

State of Chhattisgarh Through District Magistrate, Gariyaband District
Gariyaband Chhattisgarh, In Respect of Crime Number 63 of 2021
Registered at Police Station Mainpur, District Gariyaband Chhattisgarh

---- Respondent

MCRC No. 7638 of 2021

Smt. Malti Baghel W/o Late Shri Pritpal Baghel, Aged About 40 Years
Caste Gaada, R/o Village Kulharighat, Police Station Mainpur, District
Gariyaband, Chhattisgarh, District : Gariyabandh, Chhattisgarh

---- Applicant

Versus

State of Chhattisgarh, Through District Magistrate, Gariyaband,
Chhattisgarh In Respect Of Crime Number 63 of 2021 Registered At
Police Station Mainpur, District Gariyaband, Chhattisgarh, District :
Gariyabandh, Chhattisgarh

---- Respondent

For Applicants - Shri Venketesh Pandey, Advocate.
For Respondent/State - Shri Vimlesh Bajpai, Government Advocate

Hon'ble Justice Shri N.K. Chandravanshi
Order on Board

23-11-2021

1. Since all the above bail applications are arising out of the same crime number of same police station, they are being heard and decided by this common order.
2. Heard on I.A. No.1/2021, application for seeking clarification to the order dated 21-02-2019 filed in MCRC No. 7633/2021
3. As prayed by learned State counsel, he is permitted to withdraw the submission made on 26-10-2021 with regard to the lease given to the forefather of the present applicant of disputed land.
4. In view of the above, I.A. No.1/2021, application for seeking clarification to the order dated 21-02-2019 filed in MCRC No.7633/2021 is disposed of.
5. The applicants have preferred these bail applications under Section 439 of the Cr.P.C., as they are arrested in connection with Crime No.63/2021, registered at Police Station Mainpur, District – Gariyaband (C.G.) for the Offence punishable under Sections 420, 467, 468, 471, 34 of the Indian Penal Code.
6. Brief facts of the case are that the Naib Tehsildar, Mainpur, District-Gariyaband (C.G.) filed written complaint against the applicants that they entered in collusion with the then Patwari - P.K. Komarra and on the basis of false and fabricated documents, they got mutated the government land in their name.

Based on above complaints, present crime was registered against the applicants and the then Patwari under Section 420, 467, 468, 471, 34 of the Indian Penal Code.

7. Learned counsel for the applicants would submit that applicants are tribal women & residents of forest area of Gariyaband district. On the basis of their long possession, in the year 2001, Jogi Patta was issued in their name. On the basis of that patta, alleged lands were entered in revenue papers in their name. He would next submit that applicants are in jail since 08-09-2021. They are permanent residents of Gariyaband district. Hence, they may be enlarged on bail.
8. On the other hand, learned counsel for the State vehemently opposing the submissions made by counsel for the applicants submitting that the applicants fraudulently got entered their name in revenue papers of that land which are mentioned as "*Bade jhaad ka jungle*" in revenue records. On enquiry made by Tehsildar, it was found that applicants have never been issued alleged patta of that land but they have fraudulently mutated their name after collusion with the then Patwari - P.K. Komarra, therefore, they may not be enlarged on bail.
9. I have heard counsel for both the parties and perused the material available on record.
10. Considering the facts and circumstances of the case, nature and gravity of offence and also taking into consideration that the

applicants are tribal women, present case pertains to Mainpur, District-Gariyaband which is forest area and applicants are in jail since 08-09-2021, I feel inclined to release the applicants on bail.

11. Accordingly, all the above bail applications are allowed. It is directed that if each of the applicants furnishes one solvent surety for a sum of Rs.25,000/- along with one personal bond in the like sum to the satisfaction of the trial Court concerned for their appearance before the concerned Court as and when directed by the said Court, they be released on bail.

SD/-

(N.K. Chandravanshi)
Judge

Amardeep