

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 7992 of 2021**

Bhagwati Lodhi S/o Late Sukhram Lodhi, Aged About 49 Years, R/o Village Jom, Tahsil Chhuikhadan, District Rajnandgaon, Chhattisgarh (Late word not mentioned in the order sheet).

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

State of Chhattisgarh Through Station House Officer, Police Station Chhuikhadan, District Rajnandgaon, Chhattisgarh.

**---- Non-applicant**

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For Applicant : Mr. Abhishek Sharma, Advocate

For Non-applicant/State : Mr. Gurudev I Sharan, Govt. Advocate  
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**Hon'ble Shri Justice Parth Prateem Sahu****Order on Board****27.10.2021**

1. This is second application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to applicant, who is in custody since 08.02.2021 in connection with Crime No.37 of 2021 registered at Police Station Chhuikhadan, District Rajnandgaon (C.G.) for commission of offence punishable under Sections 420, 467, 468, 471, 34 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that based on the written report making allegation that present applicant along with others by placing false facts without any order of the Court have mutated their names in revenue records after death of her father by name, Sukharam. They have also obtained loan on the basis of said revenue entry. When complainant went to village of her father and inquired about immovable property recorded in the name of her

father, present applicant has stated that property is his and he will not permit to enter into the property to anyone else. After receiving knowledge and threat of Bhagwati, complainant who is step sister of applicant, inquired of revenue entires and found that name of Bhagwati was illegally recorded after death of her father. The illegal entry of name of applicant was without following due procedure of law and order passed by any authority. She lodged a complaint with the Tahsildar and concerned Tahsildar directed to concerned Patwari to correct revenue entries of the land, as earlier recorded in the name of Sukharam. After directions, revenue entries were corrected. Based on report, aforementioned crime is registered against the applicant and other co-accused Ganpat Lal.

3. Mr. Abhishek Sharma, learned counsel for the applicant would submit that due to property dispute, false report has been registered against the applicant. Complainant is step sister of applicant. Late Sukharam is residing with mother of applicant and after his death, applicant being one of the legal representative of Late Sukhram has got his name mutated in the revenue record, which was subsequently set aside and name of the applicant has been deleted. Applicant has not committed any offence as alleged against him. He is in jail since 08.02.2021. Other co-accused has been enlarged on regular bail vide order dated 31.05.2021 in MCRC No.1511 of 2021, hence, applicant may be released on regular bail.

4. Per contra, Mr. Gurudev I Sharan, Govt. Advocate for the State opposing the submissions made by learned counsel for the applicant, would submit that there are allegations of getting name of applicant mutated in revenue record without there being any order of competent authority, hence, there is involvement of applicant in commission of offence. Applicant is beneficiary, hence, he is not entitled for the benefit under Section 439 of Cr.P.C.
5. I have heard learned counsel for the parties.
6. Taking into consideration facts and circumstances of the case, nature of allegations, relationship of complainant and present applicant is not disputed of being step brother and sister, dispute is with regard to mutation of name of revenue record without there being any proper order, pretrial detention of the applicant and offence is triable by Magistrate, disposal of which may take some time, without commenting on the merits of the case, I am inclined to release the applicant on regular bail.
7. Accordingly, the second application is allowed and it is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with one local surety in the like sum to the satisfaction of the trial Court concerned on the conditions that;
  - a) He shall appear before the trial Court concerned regularly on each and every date unless exempted from appearance.
  - b) He shall not, in any manner, tamper with the

prosecution witnesses.

c) If the applicant is 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**

Yogesh