2026:CGHC:10522

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

KUNAL DEWANGAN

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MCRC No. 1658 of 2026

Bhushan Lal Dixena S/o Late Sanman Lal Dixena Aged About 68 Years R/o Village Katghora, Police Station Katghora, District : Korba, Chhattisgarh

... Applicant(s)

versus

State Of Chhattisgarh Through Police Station Bankimongra, District : Korba, Chhattisgarh

... Non-Applicant(s)

For Applicant	:	Mr. Amit Kumar Chaki, Advocate along with Mr. Priyanshu Singh, Advocate.
For Non-Applicant/State	:	Mr. Nitansh Jaiswal, Dy. Govt. Advocate.

Hon'ble Mr. Ramesh Sinha, Chief Justice

Order on Board

28/02/2026

1. This is the First bail application filed under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023, for grant of regular bail to the applicant who has been arrested in connection with Crime No. 241/2018 registered at Police Station- Bankimongra District-Korba (C.G.), for the offence punishable under Sections 420, 467, 468, 471 read with Section 34 of IPC.

2. Case of the prosecution, in brief, is that the complainant submitted a written complaint before the Superintendent of Police, Korba on

20.08.2018, stating that in pursuance of an application submitted by him before the Commissioner, Bilaspur during the *Jan Darshan Program* for demarcation of his ownership and possessory land, a team consisting of revenue officers, including the present applicant, was constituted. The said team conducted the demarcation proceedings and submitted its report. On receipt of the report, the complainant found that the said team had prepared the report in favour of the encroachers who had encroached upon his land. Upon a further complaint made by the complainant, another team was constituted to carry out fresh demarcation proceedings and to submit a report. According to the report submitted by the second team, the present applicant had manipulated the documents after the demarcation proceedings in order to extend illegal benefit to a particular person and thereby cheated the complainant. Based on the aforesaid allegations, the present offence was registered against the applicant vide Crime No. 241/2018, and after completion of the investigation, the charge-sheet has been filed. The applicant was taken into custody on 05.02.2026.

3. Learned counsel for the applicant submits that the applicant is innocent person and has not committed any offence as alleged by the prosecution and has been falsely implicated in the present case. It is submitted that the applicant is retired Government servant (Revenue Inspector) and has been arrayed as accused only on the ground that he was members of the demarcation team and had signed the panchnama in that capacity, whereas there is no allegation that he himself committed any manipulation or

interpolation in the panchnama. They further submits that, as per the report of the team constituted by the Collector on the complaint of the complainant, it is the co-accused J.P. Singh, the then Superintendent of Land Records and In-charge of the Demarcation Team, who allegedly manipulated and interpolated the panchnama, and there is not even a whisper in the said report that the present applicant prepared any forged panchnama or carried out any manipulation or interpolation. It is submitted that the said co-accused, against whom specific allegations have been made, has already been enlarged on bail and therefore the present applicant is also entitled to bail on the ground of parity. They further submits that the applicant is retired Government servants, he is in custody since 05.02.2026, the charge-sheet has already been filed and the trial is likely to take considerable time for its conclusion, therefore, there is no justification for his continued detention. It is further submitted that the alleged acts of manipulation, if any, were orchestrated solely by the co-accused J.P. Singh without the knowledge or involvement of the applicant and that the co-accused had even attempted to obtain affidavits from the members of the demarcation team in order to shield himself from the consequences of the inquiry, but the present applicant neither supported him nor made any statement in his favour before the inquiry committee or the police authorities. They further submits that no dishonest inducement, wrongful gain or wrongful loss attributable to the applicant has been alleged and therefore the essential ingredients of the offence of cheating are not made out against him. He lastly

submits that in the present case, charge-sheet has already been filed and the applicant has no criminal antecedent and there is no likelihood of early conclusion of the trial. Hence, he is entitled to be enlarged on bail.

4. On the other hand, learned State counsel opposed the prayer for grant of bail and submitted that the allegations against the present applicant are serious in nature, therefore, the applicant is not entitled to be released on bail.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Considering the facts and circumstances of the case, the nature and gravity of the alleged offence and particularly the fact that the FIR in the present case was registered in the year 2018, whereas the present applicant has been taken into custody only on 05.02.2026 after filing of the charge-sheet and further considering that the applicant is not named in the FIR, has no previous criminal antecedent and that no further custodial interrogation is required and also taking into consideration that the main allegations of manipulation and interpolation are primarily against co-accused J.P. Singh, who was the In-charge of the Demarcation Team and has already been enlarged on bail and that the present applicant has been implicated mainly on the ground that he was member of the demarcation team and had signed the panchnama in that capacity and further considering that the charge-sheet has already been filed before the competent Court and the trial is

likely to take considerable time for its conclusion, this Court, without commenting anything on the merits of the case, is inclined to grant bail to the present applicant.

7. Accordingly, the bail application of the applicant is **allowed**.

8. Let the applicant – **Bhushan Lal Dixena,** involved in Crime No. 241/2018 registered at Police Station- Bankimongra District- Korba (C.G.), for the offence punishable under Sections 420, 467, 468, 471 read with Section 34 of IPC., be released on bail on his furnishing a **personal bond** with **two sureties**, in the like sum to the satisfaction of the Court concerned with the following conditions:-

(i) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in court. In case of default of this condition, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law.

(ii) The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel. In case of his absence, without sufficient cause, the trial court may proceed against him under Section 269 of Bharatiya Nyaya Sanhita.

(iii) In case, the applicant misuses the liberty of bail during trial and in order to secure his presence, proclamation under Section 84 of BNSS. is issued and the applicant fails to appear before the court on

the date fixed in such proclamation, then, the trial court shall initiate proceedings against him, in accordance with law, under Section 209 of the Bharatiya Nyaya Sanhita.

(iv) The applicant shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 351 of BNSS. If in the opinion of the trial court absence of the applicant is deliberated or without sufficient cause, then it shall be open for the trial court to treat such default as abuse of liberty of bail and proceed against him in accordance with law.

9. Office is directed to send a certified copy of this order to the trial Court for necessary information and compliance.

Sd/-
(Ramesh Sinha)
Chief Justice

Kunal