



2025:CGHC:49462

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRCA No. 1515 of 2025**

Avinash Kumar Khandel S/o Late Shri Hariram Khandel Aged About 39 Years R/o Village Rahasbeda, Akaltra, Ward No. 14, Police Station Akaltara, District : Janjgir-Champa, Chhattisgarh

... Applicant(s)**versus**

State Of Chhattisgarh Through Police Station In- Charge Akaltara, District- Janjgir-Champa

... Non-applicant(s)

For Applicant : Mr. Yashkaran Singh, Advocate.

For Non-applicant/State : Ms. Smriti Shrivastava, Panel Lawyer.

Hon'ble Mr. Ramesh Sinha, Chief Justice**Order On Board****26/09/2025**

1. This anticipatory bail application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed by the applicant, who is apprehending his arrest in connection with Crime No. 0451/2025 registered at Police Station – Akaltara, District – Janjgir-Champa (C.G.) for the offence punishable under Sections 34, 419, 420, 467, 468 and 471 of the IPC.
2. Prosecution case in brief is that the complainant who is the sister in-

law of the present applicant has registered the present FIR stating, the applicant along with his younger brother have firstly entered wrong detail of the demise of husband of the complainant / elder brother of the applicant. As per the FIR "Husband of the complainant / Elder brother of the applicant" died on 20.09.2022 and the applicant along with his brother have furnished an affidavit before the Municipal Council stating the death of their brother to have taken place on 21.09.2022. Secondly the complainant has further stated that the applicant along with his brother have colluded to remove the name of the complainant from the revenue record of the ancestral property. Hence an FIR under Section 34, 419, 420, 467, 468 and 471 of the Indian Penal Code, 1860 was registered against him.

3. Learned counsel for the applicant submits that the entirety of the FIR has been based on a family dispute which have taken upon the demise of "Husband of the complainant / Elder brother of the applicant, the FIR is nothing but an afterthought to settle the family dispute through the criminal machinery. The FIR lodged by the complainant is the removal of the name of the complaint along with her daughter from the revenue records, more particularly the complainant alleges that the applicant with his younger brother have colluded to remove the name of the complainant along her daughter from the khasra No.1288/02, 1288/03, 1369/01, 1136, 1158/01 and 1281. The applicant seeks to furnish the copy of the B1 land record of Khasra No. No.1288/02, 1288/03, 1369/01 which categorically demonstrate that the name of the complainant along with her

daughter have been duly recorded in the revenue record which are digitally signed to furthermore authenticate the existence of the land record. He further submits that the dispute predominately arose between the family of the applicant and the complainant when the family of the applicant disputed the validity of the marriage of the complainant with their deceased son. The family had preferred their objection before the concerned Tehsildar's concerning the ancestral property and hence the present false FIR was filled. So far as the contention raised by the complainant with respect to name of the complainant fraudulently been altered from the revenue record upon the demise of the "Husband of the complainant / Elder brother of the applicant, in the year 2022 also gets equally disputed since the above-mentioned revenue record (B1) are digitally authenticated for the present year. Moreover, the revenue record that is "P2" for khasra No No.1288/02, 1288/03, 1369/01 of the present crop season, also categorically includes the name of the complainant along with her daughter, the same can be authenticated from the revenue records, along with its identification vehemently visible on the website.

4. Learned counsel for the applicant further submits that the contention raised by the applicant with respect to the Khasra No. 1281, 1288/3, and 1136 also fictional since the same can also be verified from the P1 for the said khasra No's along with the name of the complainant been duly reflected in the online portal as well. What also becomes imperative to mention herein is the fact that the for the following khasra No's the name of the complainant has been

duly added in the B1 to demonstrate the Bhumiswami for the concerned revenue No's. He further submits that from the documents annexed above the applicant would categorically submit the FIR as registered by the complainant as merely an afterthought in order to sabotage a government employee's Job, due to relational rift within the family. The name of the applicant as have been endorsed in the revenue record by the late elder brother of the applicant, remained as is since his death but the applicant has despite the fact registered the preset FIR in order to initiate the criminal machinery to settle hers civil disputes with the applicant. He also submits that the family of the applicant does dispute the marriage of his elder brother with the complainant and due to which there has been an ongoing quarrel within the family since the death of the husband of the complainant. Since the credibility for the existence of the marriage would strictly fall within the domain of the civil court due to which the applicant neither the present FIR nor the accusation levied against the applicant are maintainable and upon the registration of the FIR, the younger brother of the applicant who is also the co-accused in the FIR was arrested by the administration and the applicant being a clerk in the education department, in the accounts office fears his entire job and carrier would be sacrificed if the applicant happens to have been arrested. Bare perusal of the FIR would categorically demonstrate that the applicant is being accused of manipulating the governmental record whereas the applicant neither works at the concerned municipal council which prepared the death certificate nor has in any manner holds the

capacity to influence the working of the municipal council to temper the documents. The entire allegation by the glaringly reeks of the vindictive mindset of the complainant, since the family opposes the validity of the marriage and seeks to file a civil suit in order to properly arrange the ancestral property within their family. The applicant fearing the said eventuality has preferred the present FIR to corner the government employee. The complainants have filled the present FIR to harass the applicant and her family. Accordingly, he prays for grant of anticipatory bail to the applicant.

5. On the other hand, learned State counsel opposed the prayer for grant of anticipatory bail to the applicant and submits that the accused manipulated official records and committed forgery in collusion with Devendra Khandel. The offence involves serious criminal fraud, including cheating, forgery, and criminal breach of trust. Prima facie, the applicant played a key role in illegally altering land records and producing false documents, which significantly prejudiced the complainant's rights. Accordingly, he is not entitled for grant of anticipatory bail.
6. I have heard learned counsel for the parties and perused all of the documents taken on record.
7. Considering the facts and circumstances of the case, submissions of learned counsel for the parties and nature of dispute and material available in case diary and further considering the fact that it appears that the FIR arises primarily out of a family dispute regarding ancestral property and the validity of the marriage

between the complainant and the deceased elder brother of the applicant and the FIR, lodged after an inordinate delay, appears to be an afterthought motivated by personal and familial animosity rather than any genuine criminal act, as such, without expressing any opinion on the merits of the case, this Court is of the opinion that the applicant is entitled to be granted anticipatory bail in this case.

8. Accordingly, the instant MCRCA is **allowed** and it is directed that in the event of arrest of the applicant – **Avinash Kumar Khandel**, on executing a personal bond with one surety in the like sum to the satisfaction of the arresting Officer, he shall be released on bail on the following conditions:-

(a) The Applicant 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 from disclosing such fact to the Court.

(b) The Applicant shall not act in any manner which will be prejudicial to fair and expeditious trial.

(c) The Applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

(d) The Applicant and the surety shall submit a copy of their adhaar card alongwith a colored postcard full size photo having printed the adhaar number on it, which shall be verified by the trial Court.

(e) The Applicant shall not involve themselves in any offence of similar nature in future.

Sd/-
(Ramesh Sinha)
Chief Justice