

\$-9

* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ BAIL APPLN. 221/2011

BANARAS & ANR

..... Petitioner

Through: Mr. Arun Yadav, Advocate

versus

STATE

..... Respondent

Through: Ms. Fizani Husain, APP for State

CORAM:

HON'BLE MR. JUSTICE M.L. MEHTA

ORDER

% **21.11.2011**

This is an application under Section 438 Cr.P.C preferred by the petitioners for grant of anticipatory bail who are allegedly involved in a case under Sections 420/468/471/34 IPC FIR No.46/2010 registered with Police Station Aman Vihar, Delhi.

The petitioners herein are husband and wife and the allegations against them are of forgery and cheating. Smt. Savitri Devi lodged a complaint stating therein that on 10.12.2010, she purchased a Plot bearing number 287, measuring 250 sq yards out of Khasra No.1185 Village Suleman Kirari Nagar area known as Prem Nagar from Shri Jai Bhagwan for a consideration of Rs.3.75 lac and physical possession was handed over to her. She constructed one room and a boundary wall and she kept visiting her plot regularly. On 11.10.2009 she came to know that one Balganand Tomer had illegally trespassed into her plot with the connivance of Jaivir and his wife Banaras and has started construction thereon. She asked her son to visit the plot. When her son reached the spot he found that Banganand had arranged musclemen at the spot who started intimating him. Her son reported the matter to the local police.

During investigation, it revealed that in November, 1988, the petitioner sold few plots including the plot in question to Dil Bahar who in turn sold the same to the complainant herein on 10.12.2000. Having already sold this plot, the petitioner on 25.10.2007 again sold this plot with new number to Dayanand

Signature Not Verified

Digitally Signed By: AMULYA
Certify that the digital file and
physical file have been compared and
the digital data is as per the physical
file and no page is missing.

and Azad who further sold 300 sq yards out of the same to Madhu Mati wife of Balganand.

(2)

From the statements of witnesses namely Narender Kumar Sharma, Jai Bhagwan and Dinesh Mudgil recorded under Section 161 Cr.P.C., it is seen that the complainant was handed over possession of the plot and she constructed a room and a boundary wall thereon. The other persons of the locality namely Ram Chander and Rakesh also stated having purchased the adjacent plots from Dalip Singh who had purchased the same from Dil Bahar.

It is seen that these kinds of cases are rampant these days and the properties of the innocent persons are being usurped and they are duped in such like manner. It is also seen that there are also other cases of similar nature pending against the present petitioners vide FIR Np.374/1991, under Sections 448 IPC PS Nangloi and FIR 506/1994 under Sections 457/380 IPC PS Sultan Puri and FIR No.88/1995 under Sections 323/452/506 IPC PS Nangloi, I am not inclined to grant anticipatory bail to them. The bail application is hereby dismissed.



M.L. MEHTA, J

NOVEMBER 21, 2011
rd