

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 789 of 2015

Naresh Ahuja S/o Shri Tikamdas Ahuja Aged About 50 Years R/o Mangal Fabrication Gali, Imlideeh, Raipur (Chhattisgrh).

---- Applicant

Versus

State Of Chhattisgarh Through : Station House Officer, Police Station : New Rajendra Nagar, Raipur, District - Raipur (Chhattisgarh).

And

MCRCA No. 814 of 2015

Manmohan Hardaha S/o Shri Jhanak Lal Hardaha Aged About 52 Years R/o Samta Colony, Raipur, Tahsil And District - Raipur (Chhattisgarh).

---- Applicant

Versus

State Of Chhattisgarh Through : Station House Office, Police Station New Rajendra Nagar, Raipur (Chhattisgarh).

---- Respondent

And

MCRCA No. 875 of 2015

Matin Ahmed S/o Late Bashir Ahmed Aged About 52 Years R/o Riddhi, Siddhi Garden, Mahavir Nagar, Raipur Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through : Station House Officer, Police Station New Rajendra Nagar, Raipur Distt. Raipur Chhattisgarh

---- Respondent

For Applicants	:	Ms. Fouzia Mirza, Advocate and Mr. Raghvendra Pradhan, Advocate for the respective applicants.
For Respondent/State	:	Ms. Sunita Jain, Panel Lawyer

Order On Board

26/08/2015

Heard

1. These applications are being decided by this common order as they arise out of the same crime number.
2. The applicants are apprehending their arrest in connection with Crime No.107/15 registered at Police Station-New Rajendra Nagar, District- Raipur (C.G.) for alleged commission of offence under Section 420/34 of IPC.
3. Prosecution story - A flat under R.D.A. scheme was allotted to applicant Matin Ahmad on 12.09.2008. Matin Ahmad executed power of attorney in favour of co-accused Kavita Ahuja on 15.09.2008. Kavita Ahuja entered into an agreement to sell the flat with Smt. Preeti Bhatt, wife of complainant K.K. Bhatt. Thereafter, on 27.02.2013, Matin Ahmad revoked power of attorney executed in favour of Kavita Ahuja. Next day, Matin Ahmad executed an agreement with applicant Manmohan Hardaha. It is alleged that applicant Naresh Ahuja was involved in all these transactions as the property broker. K.K. Bhatt has reported the matter to the police that he and his wife were cheated. It is alleged that the applicants and co-accused Kavita Ahuja cheated complainant and his wife by not completing the transaction of sale by executing sale deed but it was later on, handed over to Manmohan Hardaha. Thus, complainant and his wife were fraudulently deprived of property as also cash of Rs.3,50,000/- paid by Preeti Bhatt to Kavita Ahuja.
4. Learned counsel for the applicants submits that the fact that K.K. Bhatt was witness to revocation of power of attorney earlier given by Matin Ahmad to Kavita Ahuja itself shows that every transaction was within the notice and knowledge of K.K. Bhatt and the dispute is more with regard to return of the money to wife of K.K. Bhatt.
5. On the other hand, learned counsel for the State opposes prayer for grant of anticipatory bail and submits that having entered into an agreement with wife of the

complainant and collected Rs.3.5 lacs, handing over the property under another agreement by Matin Ahmad in favour of Manmohan Hardaha with the assistance of Kavita Ahuja and Naresh Ahuja, prima faice amounts to a case of cheating.

6. Taking into consideration the submissions that K.K. Bhatt is stated to be witness to revocation of power of attorney vide revocation deed dated 27.02.2013, these applications are allowed.

7. It is directed that in the event of arrest of the applicants in connection with the aforesaid offence, the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.20,000/- along with one local surety for the like amount to the satisfaction of the arresting officer and the applicants shall abide by all the following terms and conditions-

(i) that they shall make themselves available for interrogation by a Police Officer as and when required;

(ii) that they 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 them from disclosing such facts to the Court or to any Police Officer.

(iii) that the applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

(iv) that they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
Manindra Mohan Shrivastava
J U D G E