

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C(A) No. 1171 of 2015**

1. Indrish S/o. Ibrahim, aged about 60 years,
2. Hanif S/o. Ibrahim, aged about 55 years,
3. Vahid S/o. Ibrahim aged about 52 years,

By all caste- Musalman, R/o. Village House of D.N.C. 3A of
282 F.F.I. Area, Ambala Fariya Nani Ruman Kharabadi,
Para, Tahsil Badi Raman (Nanin Raman Kendra Sashit
State Daman Deev)

----Applicants**Versus**

State Of Chhattisgarh Through Station House Officer, P.S.
Babbahara District- Mahasamund, Chhattisgarh.

---- Respondent

For Applicant	:-	Shri Awadh Tripathi, Advocate.
For Respondent/State	:-	Shri Anil S. Pandey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****27/11/2015**

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending her arrest in connection with Crime No. 212/2015, registered at Police Station Bagbahara, District Mahasamund (C.G.) for offence punishable under Section 217,218,120-B,467,468,471/34 of IPC.

2. The prosecution story in brief, is that a complainant was lodged by the complainant Fatima Begum that she has legally wedded wife of late Hazi Ibrahim Sakur who died on 02.12.1998 and in her name 27858 sq. fit was recorded which fall to the share being legally wedded wife. It is further alleged by the complainant that the land was mutated in the revenue record and thereafter the applicants sold a portion of land measuring area 1775 sq. fit out of total land 27858 sq. fit on 19.02.2001 to someone without the consent and knowledge of the complainant. It is stated that the complainant earlier has taken divorce from the Sikandar Khan and

thereafter married to the father of the applicants. Thereafter, an FIR has been lodged against the applicants for the offence punishable under Section 217,218,120-B,467,468,471/34 of IPC.

3. Counsel for the applicants submit that it is not in dispute that the applicants are the legal heirs of complainant Fatima Begum after the death of his father. Subsequently it is also stated that a civil suit has already been filed by the complainant for the share and the nature of allegation are complete in civil nature and no criminality can be attributed against the applicant and therefore, he prays that the applicants may be extended the benefit of anticipatory bail.

4. Learned State counsel opposes the prayer for grant of bail.

5. Having gone through the fact that it is not in dispute that the applicants are the real sons of late Hazi Ibrahim Sakur to whom the original property was belonged in which a portion of land measuring area 1775 sq. fit out of total land 27858 sq. fit has been sold to someone on 19.02.2001. Considering the nature of allegation and the fact that the Civil suit is pending before Additional Sessions Judge, Mahasamund, I am inclined to enlarge the applicants on anticipatory bail.

6. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on executing a personal bond in sum of Rs.25,000/- with one local surety each in the like sum to the satisfaction of the concerned Investigating Officer. The applicants shall also abide by the following conditions:-

- (i) that the applicants shall make themselves available for interrogation before the investigating officer as and when required;
- (ii) that the applicants 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/her 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) the applicants 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/-
(Goutam Bhaduri)
JUDGE