

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 914 of 2015

- Kavita Ahuja W/o Late Shri Sunil Ahuja Aged About 50 Years R/o New Rajendra Nagar, Raipur (Chhattisgarh) District - Raipur (Chhattisgarh).

---- Petitioner

Versus

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

---- Respondent

For Petitioner	Ms. Fouzia Mirza, Advocate
For Respondent/State	Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

21/09/2015

Heard learned counsel for the parties.

1. The applicant is apprehending his 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.
2. Prosecution story - A flat under R.D.A. scheme was allotted to one Matin Ahmad on 12.09.2008. Matin Ahmad executed power of attorney in favour of the applicant 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, co-accused Matin Ahmad revoked power of attorney executed in favour of the applicant

Kavita Ahuja. Next day, Matin Ahmad executed an agreement with Manmohan Hardaha. It is alleged that applicant was involved in these transactions as the person who entered into an agreement relating to the disputed property and the allegation is that the applicant cheated the complainant and his wife by not completing the transaction of sale by executing sale deed and later on the property was handed over to Manmohan Hardaha. Thus, the complainant and his wife were fraudulently deprived of property as also cash of Rs.3,50,000/- paid by Preeti Bhatt to the present applicant.

3. Learned counsel for the applicant submits that the fact that K.K. Bhatt was witness to revocation of power of attorney earlier given by Matin Ahmad to the applicant, by 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.
4. 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 the wife of the complainant and collected Rs.3.50 lacs, handing over the property under another agreement by Matin Ahmad in favour of Manmohan Hardaha with the assistance of the applicant and Naresh Ahuja, prima facie amounts to a case of cheating.
5. 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, this application is allowed.
6. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, the applicant shall be released on bail on 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 applicant shall abide by all the following terms and conditions-

- (i) that the applicant shall make herself available for interrogation by a Police Officer as and when required;
- (ii) that she 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 facts to the Court or to any Police Officer.
- (iii) that she shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that she shall appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
Manindra Mohan Shrivastava
Judge

Gowri