

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC(A) No. 241 of 2016

Mohammed Abid S/o Late Abdul Gani Aged About 45 Years R/o Aman Nagar, Mova, P.S. Pandri, Civil & Revenue District Raipur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through, Police Station Civil Lines, District Raipur, Chhattisgarh.

---- Respondent

For applicant – Shri Adil Minhaj, Advocate.
For Respondent/State –Shri Anupam Dubey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

15/03/2016

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No. 456/2015 registered at Police Station Civil Lines, Distt. Raipur (C.G.) for offence punishable under Sections 420, 34 of I.P.C.
2. As per the prosecution case a sale deed was executed by one Panchu and Budhyarin in favour of Nasim Bano and Sayyed Liyakat Ali in the year 2003 and applicant was agent and attesting witness to the sale deed. It is allegation that after purchase of the land property in question has not been identified, therefore after 8 ½ years FIR has been made.
3. Learned counsel for the applicant submits that neither applicant was seller nor he has executed sale deed only he was instrumental and attesting witness to the sale deed. Therefore, complainant even they wanted they could have demarcated the land by filing proper application and instead FIR has been made after 8 ½ years, therefore the applicant has been falsely implicated in this case and he may be granted benefit of anticipatory bail.
4. Learned State counsel opposes the prayer for grant of bail.

5. I have perused the case diary, statement and the sale deed. Sale deed is of the year 2003 wherein property has been shown in the map appended to the sale deed. Taking into fact that after 8 ½ years FIR is made and also considering the role played by the applicant, I am inclined to extend benefit of anticipatory bail to the applicant.

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

- (i) that the applicant shall make himself available for interrogation before the investigating officer as and when required;
- (ii) that 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/her from disclosing such facts to the Court or to any police officer;
- (iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
JUDGE

