

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C.(A). No. 476 of 2016

1. Idrish, S/o. Late Ibrahim Hazi Shakur, aged about 50 years, R/o. 3A-282, S.F.I. Area Alafariya Nanidaman Kharwad, Nanidaman (Kharwadpara), Tahsil Badi Daman (Motidaman) Kendra Sashit State Daman (U.T.I.P. Daman Near Masjid Pin Code 396-216)

----Applicant

Versus

1. Firoz Khan, S/o. Sikandar Khan, aged about 32 years, Occupation – Advocate, R/o. Lalpur Road, Bagbahra, Ward No.7 Bagbahra, Police Station – Bagbahara, District – Mahasamund (C.G.)
2. State of Chhattisgarh, Through : the Station House Officer, Police Station – Bagbahara, Mahasamund, District – Mahasamund (C.G.)

---- Respondent

For Applicant	: Mr. Awadh Tripathi, Advocate
For Respondent/State	: Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

27/07/2016

1. Apprehending arrest in connection with Criminal Case No.138/2015, pending before C.J.M. - Mahasamund, District – Mahasamund (C.G.), for offence punishable under Section 217, 218, 420, 467, 468, 471, 120/34 of I.P.C., the applicant has preferred this application for grant of anticipatory bail.
2. As per the prosecution case, a complaint was filed by Firoz Khan alleging that Ibrahim Hazi Shakur had married to Fatima Begum. Fatima Begum was earlier married to Sikandar and after taking divorce from Sikandar, Fatima was married to Ibrahim Hazi Shakur. Ibrahim Hazi Shakur with his earlier wife Julekha begotten four sons namely Idrish, Hanif, Vahid and Sabbir. Ibrahim Shakur died on 02.12.1998 and the properties are situated at Saraipali, Basna,

Bagbahra. Subsequently, the applicant claiming themselves to be the sharer of late Ibrahim Hazi Shakur to the property and negotiated for property. It was alleged that Fatima had obtained divorce from Ibrahim, which was not correct and forged document was prepared by applicant along with other co-accused, therefore, the complaint was registered.

3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case and the nature of dispute is in between the family members and the dispute is going from 2001. It is further submitted that civil suits are also pending between the parties and the nature of dispute is completely civil in nature, which has been turned into criminal case. He further submits that the other co-accused persons have been enlarged on regular bail and no purpose would be served if the applicant is lodged in jail. Therefore, the counsel prays that the applicant may be extended the benefit of anticipatory bail.
4. No representation is made on behalf of the respondent No.1 despite notice.
5. Per contra learned State counsel opposes the application for grant of anticipatory bail.
6. Perused the documents, the complaint as also the bail order passed in favour of the other co-accused on 30.04.2016. Primarily it shows that parties are agitating their rights over the property left over by Ibrahim Hazi Shakur. Considering the nature of allegation and the allegations of complaint, primarily it appears that dispute is primarily is of civil nature. Taking into such facts and the allegations, this Court is inclined to extend the benefit of anticipatory bail to the applicant.
7. 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 on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. The applicant shall also abide by the following conditions :

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