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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **BAIL APPLN. 1948/2016**

SMT SHAGUFTA

..... Petitioner

Through: Mr. A.K. Dubey & Mr. Jaan
Mohammad, Advocates.

versus

STATE OF DELHI

..... Respondent

Through: Mr. Mukesh Kumar, APP along with
SI Kuldeep Singh, PS-Khajuri Khas,
for the State.

CORAM:
HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER
08.12.2016

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1. The petitioner has preferred the present anticipatory bail application under Section 438 Cr.P.C. apprehending arrest in case FIR No.635/2016 under Section 120-B/ 341/ 384/ 406/ 420/ 447/ 453/ 455/ 463/ 464/ 468/ 471/ 506/ 511/ 34 IPC registered at PS – Khajuri Khas.

2. The allegation of the complainant is that he had purchased the property No.D-2/273, Gali No. D-2, Nehru Vihar, Delhi from one Razi Abbas/ accused No.2 in cash for Rs.23,75,000/- through General Power of Attorney. He alleged that the petitioner, who is a lady, trespassed into the

said house and demanded Rs.15 Lakhs to vacate the same. On the basis of the aforesaid and other allegations, the aforesaid FIR came to be registered. The anticipatory bail application of the petitioner has been rejected by the Trial Court and, consequently, the petitioner approached this Court.

3. Vide order dated 23.09.2016, the petitioner was granted interim protection, subject to the condition that she should join investigation.

4. The status report dated 01.11.2016 has now been filed by the SHO, PS – Khajuri Khas on the basis of the investigation conducted thus far. As per the status report, in his statement, Razi Abbas, who bought the property from Abdul Hamid (husband of the petitioner), who stated that after having purchased the property from Abdul Hamid vide GPA dated 20.11.2013, he let out the first floor of this property to Abdul Hamid – husband of the petitioner. He stated that Abdul Hamid was introduced to him, i.e. Razi Abbas, by Parvej, Sharif and Shabir, who were present at the time of registration of documents in his favour. The police has recorded their statements.

5. As per the status report, Abdul Hamid then vacated the property, and thereafter, Razi Abbas sold the property to the complainant Bablu on 27.10.2014 through GPA for consideration of Rs.23.75 Lakhs and handed over the possession and chain of documents of the property to Bablu. Razi Abbas was introduced to Bablu by Yusuf and Iqbal @ Suppan, who were present at the time of registry between them. Their statements were also recorded.

6. Statements of two other persons Nawab and Sagir, who were the

uncle and the brother-in-law of the petitioner accused, have also been recorded, who have stated that the petitioner demanded Rs.5 Lakhs from complainant Bablu to vacate the property, to which Bablu also agreed. However, subsequently, the petitioner raised her demand from Rs.5 Lakhs to Rs.15 Lakhs. Consequently, Nawab and Sagir withdrew and left it to Bablu to deal with the matter.

7. The status report discloses that the petitioner joined investigation on 26.10.2016. She stated that she bought the property from her husband for Rs.4 Lakhs. She also stated that she had paid the amounts to the persons who had loaned monies to her husband. However, she could not disclose the names and addresses of those persons. She stated that she does not know the whereabouts of her husband since April 2014. She stated that she did not go to the Sub-Registrar's office, or to the notary's office at the time of purchase of the property by her from her husband. She stated that her husband took her thumb impressions and signatures at her home. She also denied having witnessed the sale documents between her husband and Razi Abbas. She produced photocopy of the GPA dated 17.08.2009 executed between her and her husband. This document showed that there were two witnesses named therein, namely Riyazuddin s/o Nasimuddin and Md. Arif s/o Yamin. These witnesses, when contacted, denied their signatures on the documents. Pertinently, the husband of the petitioner Abdul Hamid is wanted in case FIR No.655/2014 dated 28.06.2014 under Section 380/ 419/ 420/ 448/ 467/ 468/ 471/34 IPC registered at PS – Khajuri Khas, and is absconding.

8. From the aforesaid, it, prima-facie, appears that the petitioner has not cooperated with the investigation and her replies have been evasive as she is

pleading ignorance on several aspects. Her story, prima-facie, appears to be belied by the fact that the witnesses named in her so-called documents of title dated 17.08.2009 have denied their signatures or thumb impressions. She has stated that she did not visit the Sub-Registrar's office of notary's office. Her own relatives, namely, Nawab and Sagir, who are her uncle and brother-in-law have also made statements against her. The petitioner has also denied her signatures as a witness to the document executed by her husband Abdul Hamid in favour of Razi Abbas.

9. In these circumstances, in my view, the custodial interrogation of the petitioner may be necessary. The petition is, accordingly, dismissed.

VIPIN SANGHI, J

DECEMBER 08, 2016

B.S. Rohella