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

+ **BAIL APPLN. 2446/2016**

**ABDUL HAFIZ @ SULEMANI BABA @ MADAN MOHAN
SHARMA**

..... Petitioner

Represented by: **Mr. B.L. Madhukar, Mr. M.K.
Saroja, Advs.**

versus

STATE NCT OF DELHI

..... Respondent

Represented by: **Mr. Amit Ahlawat, APP with
SI Sunder Singh PS Baba
Haridas Nagar.**

**CORAM:
HON'BLE MS. JUSTICE MUKTA GUPTA**

**ORDER
11.04.2017**

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1. By the present petition the petitioner seeks bail in case FIR No.686/2015 under Sections 420/467/471/468/34 IPC registered at PS Baba Haridas Nagar.

2. Learned counsel for the petitioner contends that the petitioner's only role is that he tried to forge a settlement between Laxmi who allegedly wanted to sell the plot and the complainant, and thus witnessed the settlement agreement between two of them. However, he has not received any money from the complainant. Further the petitioner is in custody for the last more than one year and no further recovery is required to be made from

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him nor is he required for the purposes of investigation. Thus he be granted bail.

3. The allegations in the FIR are that the two co-accused Satbir Singh and Rahis Ahmed approached the complainant Jai Bhagwan luring him that the petitioner Madan Mohan Sharma whose actual name was later revealed as Abdul Hafij @ Baba Sulemani was very well-known big property dealer who had many plots in the Najafgarh area. Accordingly the complainant was taken to Avantika, Rohini, Delhi and the petitioner was found sitting in his rented shop wherefrom he was doing the business of property dealer. The petitioner introduced the complainant to one Smt. Laxmi Devi who stated that since she was in need of money she wanted to sell her plot bearing No. 155 admeasuring 130 sq.yds. out of Khasra No. 82/24/1 at Chetan Vihar, Najafgarh. The deal was struck at ₹30 lakhs and the entire payment was made in cash. When the complainant went to the plot after preparation of the document like General Power of Attorney, Agreement to Sell, Possession Letter etc., he came to know that the plot belonged to some other lady namely Smt. Sarda Devi. Further Sarda Devi also stated that she bought the property from one Madan Gopal Sharma and had not sold the same to anyone. Thus the case of the complainant was that showing Laxmi Devi as the owner of the property, the petitioner and the co-accused cheated him.

4. Be that as it may, the petitioner is in judicial custody since 16th March, 2016 i.e. more than one year. The trial is likely to take some time. The co-accuseds who brought the complainant to the petitioner have already been released on anticipatory bail.

5. Considering the fact that the petitioner has already been in custody for more than one year and the trial is likely to take some time as the main accused Laxmi is absconding, this Court deems it fit to grant regular bail to the petitioner. It is therefore directed that the petitioner be released on bail on his furnishing a personal bond in the sum of ₹25,000/- with one surety of the like amount subject to the satisfaction of the learned Trial Court, further subject to the condition that the petitioner will not leave the NCT of Delhi without the prior permission of the Court concerned and in case of change of address the same will be intimated to the learned Trial Court by way of an affidavit.

6. Petition is disposed of. Order dasti.

MUKTA GUPTA, J.

APRIL 11, 2017
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