

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No.518 of 2018**

Iqbal Ahmed, aged about 35 years, S/o Shri Rafiq Ahmed, R/o Nizami Chowk, Laxmi Nagar, Ward No.04, Durga Para, Supela, Bhilai, P.S. Supela, Tahsil and District Durg, Chhattisgarh

---- Applicant

versus

State of Chhattisgarh through Officer-in-Charge, Police Station Supela, Bhilai, Tahsil and District Durg, Chhattisgarh

---- Respondent

For Applicant	:	Shri Rahul Tamaskar, Advocate
For Respondent/State	:	Shri Satish Gupta, Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel**Order on Board****17.7.2018**

1. The Applicant is apprehending his arrest in connection with Crime No.853 of 2017 registered at Police Station Supela, District Durg for offences punishable under Sections 406, 420/34 of the Indian Penal Code.
2. Facts of the case, in brief, are that on 22.9.2017, Complainant Yunus Khan lodged a written complaint alleging that accused Sahira Begum had entered into an agreement with him in respect of sale of an agricultural land situated at Artara (Uttar Pradesh) and received a sum of Rs.7,00,000/- by way of cheque and cash till 3.7.2015 and instead of selling the said land to him, she sold the land to some other person for Rs.10,50,000/- and thereby she has cheated on him and committed breach of trust. It is also alleged that present Applicant Iqbal Ahmed, who is brother of Sahira Begum, is also involved in the crime in question.

3. Learned Counsel appearing for the Applicant submits that the Applicant was not present at the time of execution of the agreement to sell in question nor his signature is there. It is further submitted that the Applicant has been falsely implicated in the case. He has not committed any crime whatsoever and apparently the nature of case had civil remedy yet it seems that to expedite the same this criminal case has been registered. Therefore, the Applicant may be extended the benefit of anticipatory bail.
4. Learned Counsel appearing for the State/Respondent opposes the bail application.
5. I have heard Learned Counsel appearing for the parties and perused the case diary with due care.
6. Considering the facts and circumstances of the case and also taking into consideration that at the time of execution of the agreement to sell in question, the Applicant was not present nor his signature is there, I am inclined to grant him anticipatory bail.
7. Accordingly, the bail application is allowed.
8. It is directed that in the event of arrest of the Applicant in connection with the aforesaid crime, he shall be released on anticipatory bail on furnishing a personal bond in the sum of Rs.10,000/- with one solvent surety for the like sum to the satisfaction of the Arresting Officer/Presiding Officer of the concerned Trial Court. He shall also abide by all the following terms and conditions:

- (i) He 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 fact to the Court,
- (ii) He shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) He shall appear before the Trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-
(Arvind Singh Chandel)
JUDGE