

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4286 of 2018**

Mohammad Julfeqar S/o Mohammad Meenatullah Aged About 35 Years
R/o- Ambedkar Chowk, Thakur Bapaward, Gulab Nagar, Gudiyaari, Raipur,
District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through- Station House Officer, Police Station-
Khamtarai, Raipur, District- Raipur, Chhattisgarh., District : Raipur,
Chhattisgarh.

---- Respondent

For the Applicant	:	Smt. Fouzia Mirza, Advocate.
For the Respondent/State	:	Shri Anil S. Pandey, G.A.
For the Objector	:	Shri Surfaraj Khan, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****16.07.2018**

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.273 of 2018, registered at Police Station – Khamtarai, Raipur, District – Raipur, Chhattisgarh for the offence punishable under Sections 420, 467, 468, 471, 447, 506, 427 and 120B read with Section 34 of the Indian Penal Code.
2. Learned counsel for the applicant submits that the applicant is in jail since 12.5.2018 and has been falsely implicated in this case. No case is made out against the applicant on the basis of the material placed before the

Court by the prosecution. The applicant had purchased the land in dispute from co-accused – Anil Kumar Sahu, who was the power of attorney holder of Goverdhan Banjare. The applicant had no knowledge that the power of attorney giver had expired prior to the date on which the sale deed was executed, hence, in such a situation it is the applicant who has himself has been cheated. It is also submitted that the Investigation Officer is relying on a document of the sale deed and that document is a cancelled document. The boundary details of the property shown in the document are different from that of the original and the original sale deed is in submission with the Registrar and there is no interpolation. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the applicant with the help of co-accused – Anil Kumar Sahu had manipulated the situation of the property in dispute showing it as a land adjoining to the road, but it has been shown in the sale deed that it was not adjoining to the road and it was done intentionally. The power of attorney of Anil Kumar Sahu was not in force to execute the sale deed on 16.6.2015 because Goverdhan Banjare was already dead on 15.2.2015. Looking to the manipulation that has been made by the applicant for his own suitability, he is not entitled for grant of regular bail.

4. Learned counsel for the Objector opposes the bail application and submits that the applicant made use of forged sale deed showing the location of purchased land adjacent to the road in the office of Tehsildar, Raipur in which the objector has been shown as the owner of neighbouring

land. Apart from that, further forgery committed was that the agreement to sale was for the land bearing Khasra No. 250/4 whereas, sale deed shows the land sold Khasra No. 90/4. It is also submitted that one more FIR has been registered against the applicant for the similar offence. Hence, for these reasons, no case is made out for grant of regular bail to the applicant.

6. Heard counsel for both the parties and perused the case diary.

7. The allegation against the applicant is that he has made use of forged document of the sale deed for demarcation purposes and further the forged document that is the sale deed which was executed unauthorizedly by co-accused – Anil Kumar Sahu on 15.2.2015 as power of attorney holder of Goverdhan Banjare who has expired on that date. It is also alleged that the subject matter of sale deed was also changed in the sale deed. Hence, this case.

8. After considering all the material present in the case-diary and the fact that the applicant does not have any criminal antecedents and the trial of the case is likely to take some time for its final disposal, the application deserves to be allowed.

9. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

10. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when

directed. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nimmi