

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 815 of 2019

- Mohammed Kasim Fazal S/o Mohammed Fazil, Aged About 48 Years, R/o - Fazal Complex, Baijnathpara, Raipur Tahsil And District - Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

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

---- Non-applicant

For Applicant – Ms. Smita Jha, Advocate.

For Non-applicant/State – Mr. I. Lakra, Deputy Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

17-06-2019

1. Apprehending arrest in connection with Crime No.188/2019, registered at Police Station – City Kotwali, Raipur, Chhattisgarh for offence punishable under Section 420, 467, 468, 471 of the IPC, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out. The complainant Rehana Aziz has lodged the FIR which is totally false and misconceived. In fact, the property in question was ancestral property regarding which the applicant had right to collect rent and manage the tenants. Apart from that, the offence that are registered, are totally not made out on the basis of contents of the FIR and the statement given by the witnesses. Hence, it is prayed that the application may be allowed.
3. Learned counsel for the State/non-applicant opposes the application.
4. Heard learned counsel for the parties and perused the case diary.
5. According to the FIR lodged by Rehana Aziz, shop No.6 and 7 of Fazal Complex was gifted to her by her father by a Hibanama, which has been

illegally and unauthorizedly taken in possession by this applicant. Hence, this case.

6. After considering on the material present in the case diary and nature of the case as alleged, I feel inclined to allow this application.

7. Accordingly, the anticipatory bail application is allowed. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions :

- (i) that the applicant shall make himself available for interrogation before the investigating officer as and when required;
- (ii) 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;
- (iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) 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.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge