

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****M.CR.C.(A). No. 864 of 2019**

Mohammad Ibrahim Siddiqui @ Aaryan Aarya, S/o. Mohammad Hanif Siddiqui, Aged About 36 Years, R/o. Ratnabandha, Durg Road, Dak Bangla, Ward No. 18, Dhamtari, Police Station- Dhamtari, District- Dhamtari, Chhattisgarh.

----Applicant**Versus**

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

---- Respondent

For Applicant	: Mr. Kishore Bhaduri, Advocate with Mr. Pawan Kesharwani, Advocate
For Respondent/State	: Mr. H.S. Ahluwalia, Dy.A.G.
For Objector	: Mr. Prakash Tiwari, Advocate with Mr. Palash Tiwari, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

25/06/2019

1. Apprehending arrest in connection with Crime No.456/2018, registered at Police Station – Kotwali, Dhamtari, District – Dhamtari (C.G.) for offence punishable under Section 417, 420 of the Indian Penal Code and Section 5 of Dharma Swatantraya Adhiniyam, 1968, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case on the basis of the false complaint made against him for the reasons, that he being

the Mohammadan has married the daughter of the complainant lawfully. The applicant has converted in to the Hindu religion regarding which copy of Format-A, which is attached as Annexure A-3 has been filed, which has been obtained from the Office of District Collector, Raipur. The marriage of the applicant is also registered in the Marriage Registration Office, therefore, the father of the girl has become vindictive and has made such allegation, which are totally false. The applicant is continuously insisting to save his marriage with the daughter of the complainant, for which he has approached this Court as well as the Supreme Court. Hence, it is a case of persecution. Therefore, it is prayed that the applicant may be enlarged on anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect. It is submitted that as per the FIR lodged, this applicant has filed forged documents before the authorities, therefore, he is not entitled for grant of anticipatory bail.
4. Counsel for the objector submits that the applicant has conducted in a fraudulent manner since very beginning as he informed the girl that he is unmarried, whereas he was already married and having a wife. Subsequent to that documents to which the applicant has referred regarding his conversion from Mohammadan to Hindu religion and marriage are false for the reasons, that the Priest mentioned in the certificate and the Formate-A and also the witnesses of the marriage have categorically denied about their signatures on these documents. Therefore, no case is made out for grant of anticipatory bail.

5. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
6. FIR has been lodged against the applicant that he fraudulently gave inducement to the daughter of the complainant that he is unmarried and then on the basis of the forged documents of conversion to Hindu religion, he has performed fraudulent marriage. Hence, this case.
7. Considered on the material present in the case diary. In the writ proceedings before this Court and before the Supreme Court, there is no order in favour of the applicant and the girl has expressed her wish to live separate from the applicant. On perusal of the diary statement of the Priest and the witnesses, it appears that they have denied their signatures in the Formate -A and the other documents, which were produced before the District Collector, therefore, it can not be said that the allegation against this applicant are totally baseless, hence, therefore, there may be requirement of his custodial interrogation, hence for this reason this Court is not inclined to grant anticipatory bail to the applicant.
8. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is rejected.

Sd/-
(Rajendra Chandra Singh Samant)
Judge