IN THE HIGH COURT OF MADHYA PRADESH AT INDORE

BEFORE

HON'BLE SHRI JUSTICE VIJAY KUMAR SHUKLA

ON THE 2nd OF FEBRUARY, 2024

MISC. CRIMINAL CASE No. 52921 of 2023

BETWEEN:-

SHAKIR RAIEN @ MOHAMMAD SHAKIR @ SAIF S/O ABDUL WAHID, AGED ABOUT 29 YEARS, OCCUPATION: AUTO DRIVER R/O MADINA NAGAR 285 HAJI GALI MADINA MAZHID DISTT.INDORE (MADHYA PRADESH)

.....APPLICANT

(BY SHRI MANISH YADAV - ADVOCATE)

AND

THE STATE OF MADHYA PRADESH STATION HOUSE OFFICER THROUGH POLICE STATION LASUDIYA DISTT. INDORE (MADHYA PRADESH)

.....RESPONDENT

(BY SHRI TARUN PAGARE - PUBLIC PROSECUTOR FOR THE RESPONDENT/STATE.
SHRI DHARMENDRA CHELAWAT - ADVOCATE FOR THE OBJECTOR)

This application coming on for admission this day, the court passed the following:

ORDER

This is first bail application under Section 439 of Cr.P.C for grant of regular bail in connection with crime No.533/2019 dated : not mentioned, registered at P.S. - Lasudiya, District - Indore for offences punishable under Sections 419, 420, 448, 467, 468, 384, 120-B, 201, 471 of IPC.

2. As per prosecution case, 17 flats belonging to M/s Horizon Project Private Limited have been sold by forging the signature of Nikhil Kothari, Director of Horizon Project Private Limited. Against the present applicant the

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allegation is that he also purchased one flat apart from those 17 flats by notarized sale deed.

3. Counsel for the applicant submits that main accused Mohd. Ali has been granted bail by the Apex Court by order dated 30/10/2023 in SLP (Cri.) No.12812/2023. The case of the applicant is on better footing than the said accused. It is further argued that the Apex Court has granted the bail considering the custodial period.

4. Counsel for the State opposes the prayer for grant of bail on the ground that the allegations against the present applicant are serious in nature. They have filed photocopy of the so called sale deed and the stamp papers were issued in the name of the present applicant. The statement of stamp vendor Deepak Mishra/PW - 10 has been recorded and in his statement he has said, upon verification from the record, that the said stamp was issued in favour of one Anil s/o Hariram Chaudhary in the sale deed. He further stated that the ink has been removed and the name of the applicant has been mentioned in the said stamp paper. The said stamp paper was never issued in the name of the present applicant. Thus, the applicant is beneficiary and has purchased the flat in pursuant to a notarized sale deed. It is also argued that after the dismissal of bail of main accused Mohd. Ali, this court rejected the bail application of accused Jitendra and Nijammudin vide order dated 19/12/2023 & 12/12/2023 passed in M.Cr.C No.51936/2023 & M.Cr.C No.52504/2023 considering the serious allegations. A report of hand writing expert has also been filed to show that the signature of Nikhil Kothari has been forged.

5. After hearing learned counsel for the parties and considering the fact that the applicant is beneficiary of a notarized sale deed alleged to be executed by Nikhil Kothari which has been found to be forged and further the stamp

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paper has been got issued in favour of the present applicant which has been found to be forged as per the statement of stamp vendor/ PW 10. The application is filed mainly on the ground of custody and the argument of the counsel for the applicant that the matter is of civil nature cannot be accepted in view of the serious allegations of preparation of forged document and cheating. The bail to accused Mohd. Ali was granted by the Apex Court prior to recording of statement of stamp vendor/PW-10 Thus, considering the serious allegations of forgery and cheating, I do not find any case for grant of bail.

6. Accordingly, the application is **dismissed.**

7. However, considering the custodial period the applicant, it is observed that the Trial Court shall make all endeavour to conclude the trial expeditiously, as far as possible within a period of 4 months from the date of communication of the order.

Cc as per rules.

(VIJAY KUMAR SHUKLA)
JUDGE

PK

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