
(2020) 08 JH CK 0263
In the Jharkhand High Court
Case No : A.B.A. No. 2339 of 2020

Mansoor Ansari @ Masarur Ansari And Ors

APPELLANT

Vs

State of Jharkhand

RESPONDENT

Date of Decision : 27-08-2020

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 438(2)

Citation : (2020) 08 JH CK 0263

Hon'ble Judges : Rongon Mukhopadhyay, J

Bench : Single Bench

Advocate : Shruti Shrestha, Jitendra Pandey

Final Decision : Allowed

Judgement

Heard Ms. Shruti Shrestha, learned counsel for the petitioners and Mr. Jitendra Pandey, learned A.P.P. for the State.

So far as defect nos. 9(i) to 9(x) are concerned the same are ignored.

The petitioners have prayed for grant of anticipatory bail, as they are apprehending their arrest in connection with Chandil P.S. Case No. 06 of 2020.

It has been stated by the complainant in the complaint petition which was initially instituted that she had in the year 1998 purchased 4 katthas of land on payment of consideration amount of Rs. 10,000/- and got delivery of possession of the said land. It has been stated that she has also constructed a house over the said purchased plot of land. It has further been alleged that at the time of purchase the informant was residing at a different place and since she was sick on the date of execution and registration of the sale deed the said matter was entrusted to the petitioner no. 1. In the year 2009 the petitioner no.1 had supplied a photocopy of the registered sale deed executed by the seller Binapani Mahatani in respect of the 4 katthas of land and he had retained the original sale deed on the pretext that the same will be required at the time of mutation. On 20.04.2019 the petitioners along with other persons had come to the house of

the informant to take possession of half portion of the land in question and it was detected that in the registered sale deed the petitioner no. 1 has been shown to be a co-purchaser.

It has been stated by the learned counsel for the petitioners that the petitioners are husband and wife. It has further been submitted that the alleged registration of the sale deed had taken place in the year 1998 but after more than two decades the complaint case has been instituted and the story which has been put forward by the informant appears to be unbelievable and absurd.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners and has stated that the document which was supplied to the informant was a tampered document.

It is an admitted fact that the sale deed was registered in the year 1998 and for registration of the sale deed it was entrusted to the petitioner no. 1. There appears to be an inordinate delay in institution of the complaint case and a flimsy reason has been given by the informant to the effect the she was supplied with a morphed copy of the registered sale deed but in the certified copy of the sale deed she could come to know about the petitioner no. 1 having inserted his name as one of the co-purchasers.

In view of the inordinate delay in institution of the complaint petition and there being no reasonable explanation save and except what has been stated above which also does not explain the delay of more than two decades, I am inclined to extend the privilege of anticipatory bail to the petitioners. The petitioners are accordingly directed to surrender before the learned court below within a period of four weeks and on such surrender, they shall be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Seraikella in connection with Chandil P.S. Case No. 06 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This application stands allowed.