

(2023) 12 JH CK 0017
In the Jharkhand High Court
Case No : A.B.A. No. 5973 Of 2023

Md. Irfan Gani And Others

APPELLANT

Vs

State Of Jharkhand

RESPONDENT

Date of Decision : 08-12-2023

Acts Referred:

Indian Penal Code, 1860 — Section 34, 420, 467, 468, 471
Code Of Criminal Procedure, 1973 — Section 41A, 438(2)

Citation : (2023) 12 JH CK 0017

Hon'ble Judges : Gautam Kumar Choudhary, J

Bench : Single Bench

Advocate : A.K. Sahanim, Sushma Aind, S.K. Pandey

Final Decision : Allowed

Judgement

Gautam Kumar Choudhary, J

Apprehending their arrest, the petitioners named above have moved this Court for grant of anticipatory bail in connection with Doranda P.S. Case No. 75 of 2021 registered under Sections 420, 467, 468, 471, 34 of the Indian Penal Code, pending in the court of J.M.-XIII, Ranchi.

Heard the parties.

The informant of this case claims the property by registered sale deed executed in the year 1975 and after said sale, the land was mutated and rent receipts were issued on payment of rent. It is alleged that the petitioners by showing false genealogy executed the sale deed in favour of other co-accused persons in 2014 and the purchasers further transferred the land to third party.

It is submitted by learned counsel for the petitioners that the vendor of the purported sale deed executed in favour of the informant in 1975 was the grandmother of the petitioners, and she had died much before in 1969. A suit for cancellation of sale deed has been filed by the Petitioner. The said sale deed was

executed in favour of Kurban Ali and the informant is power of attorney holder. The dispute is purely civil in nature.

The Addl. P.P., assisted by learned counsel for the informant, have vehemently opposed the prayer for bail and submitted that on the basis of forged genealogical table, sale deed has been executed by these petitioners.

From the submissions, it is apparent that the dispute is of civil in nature in which the petitioners have already moved the civil court for cancellation of sale deed.

Considering the submissions of learned counsel and the fact as discussed above, the anticipatory bail application is allowed. Hence, in the event of their arrest or surrender within a period of two weeks from the date of this order, the petitioners named above shall be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Court below, subject to the conditions laid down under section 438 (2) Cr. P.C.

The petitioners will cooperate in the investigation and will appear on notice under Section 41A of Cr. P.C.