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MCRC-46777-2024

IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE SANJEEV S KALGAONKAR

ON THE 20th OF NOVEMBER, 2024MISC. CRIMINAL CASE No. 46777 of 2024*GULREJ @BABA**Versus**THE STATE OF MADHYA PRADESH*

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Appearance:

Shri Umesh Sharma advocate for applicant.

Shri Apoorv Joshi public prosecutor for State.

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ORDER

This *first* application has been filed by applicant under Section 483 of BNSS, 2023 for grant of bail in connection with Crime No. 271/2024 registered at Police Station Nanakheda District Ujjain (M.P.) for offence punishable under Section (s) 420, 467, 468, 471, 34,120-B of IPC. The applicant is in judicial custody since 10.09.2024.

As per the case of prosecution, Vandana Saraf submitted a written complaint to SHO P.S. Nanakheda District Ujjain that she had purchased plot No. B-2 Tripti Vihar Goyalakhurd Indore Road Ujjain from Naveen Cooperative Housing Society Ujjain vide sale deed dated 23.5.1996. While depositing the annual tax, she came to know that house on plot No. B-2 is transferred to name of some Aayush Jain in the Municipal records. She further came to know that Sundar Bai Solanki had executed sale deed dated 30.1.2024 of the disputed plot in favour of Aayush Jain. She had never executed any sale deed in favour of Sundar Bai. The complaint was inquired



into. Aayush Jain informed that Mohd. Imran proposed to get him a house as property broker. Sundar Bai proposed to sale him the disputed house and executed an agreement. He has paid entire consideration amount in favour of Sundar Bai. Later, it was revealed that the registry shown by Sundar Bai for title of the disputed house and plot is forged. On such allegations, P.S. Nanakheda District Ujjain registered FIR at crime No. 271/2024 for offence punishable under Sections 420, 467, 468, 471, 34,120-B of IPC against Sundar Bai, Ankit Solanki and Imran. Statement of witnesses were recorded. Imran was apprehended. Imran in his statement recorded under Section 23 of Bhartiya Shakhya Adhiniyam, 2023 informed that Ajaj Nagori provided him forged sale deed executed by Vandana in favour of Sundar Bai and on the basis of that sale deed, Sundar Bai executed sale deed in favour of Aayush Jain. Accordingly Ajaj Nagori was apprehended. Aayush Jain in his statement recorded under section 23 of Bhartiya Sakshya Adhiniyam, 2023 informed that he had approached Laxmi Narayan Parmar for preparation of forged registered sale deed in favour of Sundar Bai. He had provided all relevant documents to Laxmi Narayan. Thereafter Laxmi Narayan had provided him forged registered sale deed in favour of Sundar Bai. Gulrej @ Baba has provided him funds for payment to Laxmi Narayan towards preparation of forged sale deed. Accordingly, Laxmi Narayan Parmar was also apprehended. In his statement recorded under Section 23 of Bhartiya Shakshya Adhiniyam, Laxmi Narayan informed that Ajaj Nagori approached him for forging the sale deed in favour of Sundar Bai. He approached Dharmendra Sahu for preparation of forged sale deed. Dharmendra Sahu prepared forged sale deed alongwith forged signature and forged seal of



Registrar Ujjain and handed over to him. He handed over this document to Ajaj Nagori. He was paid Rs. 11 lacs. Dharmendra Sahu is absconding. The applicant Gulrej @ Baba was arrested on 10.9.2024. He is in custody ever since. On completion of investigation, final report was submitted pending the investigation against the absconding accused Dharmendra Sahu.

Learned Counsel for the applicant, in addition to the grounds mentioned in the application, submits that the applicant has been falsely implicated in this matter merely on the basis of statement of co-accused in police custody. No incriminating article is recovered at the instance of the applicant. Further custodial interrogation of applicant is not needed in the matter. Learned counsel further submits that applicant Gulrej is aged around 36 years. He is a labourer by profession and is sole bread earner of his family. There is no likelihood of absconsion leaving his family, home and profession. No criminal antecedent is reported against the applicant. There is no likelihood of tampering with the evidence by the applicant as the prosecution is based on documentary evidence. There is no allegation of executing forged document against the applicant. The applicant did not participate in execution of sale deed by Sundar Bai in favour of Aayush Jain. The trial would take time to complete. Therefore, the applicant may be extended the benefit of bail.

Per contra, learned Counsel for the State opposes the bail application on the ground of gravity of alleged offence.

Heard learned counsel for both the parties and perused the case diary.



Considering the arguments advanced by both the parties and overall circumstances of the case, but without commenting on merits of the case, this Court is inclined to release the applicant on bail. Thus, the application is allowed.

Accordingly, it is directed that **applicant-Gulrej @ Baba** shall be released on bail in connection with the Crime as stated in para – 1 of this order, upon furnishing personal bond and surety bond of amount, as may be considered appropriate by the Trial Court/the Committal Court for compliance with conditions, as may be imposed by such Court, to secure presence of the applicant for the trial under Section 437(3) of Cr.P.C., 1973/Section 480(3) of BNSS, 2023.

This order shall be effective till the end of trial. However, in case of breach of any of the preconditions of bail, the concerned Court may consider, on merit, cancellation of bail without any impediment of this order.

The concerned Court shall get the conditions reproduced on the personal bond by the accused and on surety bond by the surety concerned. If any of them is unable to write, the scribe shall certify that he had explained the conditions to the concerned accused or the surety.

C.C. as per rules.

(SANJEEV S KALGAONKAR)
JUDGE