

Shaukat Ali Vs. the State

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Court : Delhi

Decided On : May-11-2005

Reported in : 120(2005)DLT224

Judge : Badar Durrez Ahmed, J.

Appeal No. : Bail Application 116/2005 and FIR No. 306/2004

Appellant : Shaukat Ali

Respondent : The State

Advocate for Def. : Pawan Sharma, Adv.

Advocate for Pet/Ap. : C.L. Gupta, Adv

Judgement :

Badar Durrez Ahmed, J.

1. The learned counsel for the petitioner submits that the property in question is 2707, Kucha Chelan Gali, Masjid Kale Khan, Delhi. The complainant has alleged herself to be the owner of this property and it is the case for the prosecution that one Mohd Hanif forged certain documents, including a General Power of Attorney in his favor and on the basis of that he transferred the said property to the present petitioner (Shaukat Ali), who, in turn, transferred the same in the names of Shamima Begum, Daraf Khan Begum and Rahat Khan. The learned counsel

pointed out that Mohd Hanif had already been admitted to regular bail. Insofar as Shamima Begum, Darafshan Begum and Rahat Khan are concerned, they are on anticipatory bail and so also two other persons Moh Khalil Ahmed and Mohd Sharif who were the attesting witnesses in the transaction. It is further stated that one Jehangir, who is said to be the husband of Shamima Begum and is said to be in possession of the property in question, has also filed a civil suit in which a status quo order has been passed.

2. The learned counsel for the State opposed the grant of anticipatory bail at this stage claiming that the present petitioner was the main person involved in these offences. He submitted that upon a reading of the disclosure statement of Mohd Hanif, which, according to him, although inadmissible, would be looked into at the time of consideration of the bail application. From that statement, it appears that the entire transaction was initiated by Jhangir, who, apparently was in some sort of possession of this property and wanted to legitimatise his possession over the same and it is in this context that he involved Mohd Hanif and the present petitioner.

3. However, the learned counsel for the petitioner pointed out that the said Jehangir has also been granted anticipatory bail.

4. In this view of the case, the present petitioner is directed to be released on bail, in the event of his arrest, on furnishing a personal bond in the sum of Rs.25,000/- with one surety of the like amount to the satisfaction of the arresting officer.

This application stands disposed of.