

HIGH COURT OF MADHYA PRADESH : BENCH AT INDORE**M.Cr.C. No.24791 of 2021****Mujeebur Rehman Khan @ Mujeeb Vs. State of M.P.****&****M.Cr.C. No.26245 of 2021****Mohammad Sajid @ Sajju Vs. State of M.P.****Indore, Dated:- 31/07/2021**

Heard through video conferencing.

Shri Avinash Sirpurkar, Senior Counsel with Shri Bablu Patel, Counsel for the applicant – Mujeebur Rehman Khan @ Mujeeb S/o Mohammad Ashfak Khan (in M.Cr.C. No.24791 of 2021).

Shri Vinay Saraf, Senior Counsel with Shri Sunit Kapoor, Counsel for the applicant – Mohammad Sajid @ Sajju S/o Mohammad Shoukat (in M.Cr.C. No.26245 of 2021).

Shri Aditya Garg, Counsel for the respondent/State.

Shri Z. A. Khan, Counsel for the objector (in M.Cr.C. No.24791 of 2021).

They are heard. Perused the case-diary.

Both these applications have arisen out of the same crime number of same police station, therefore, they are heard analogously and are being decided by this common order.

Both these applications are the **first** bail application under Section 439 of Criminal Procedure Code, 1973, as they are implicated in connection with Crime No.252/2021 registered at Police Station Khajrana, District – Indore (MP) for offence punishable under Sections 420, 467, 468, 471 and 384 of IPC.

HIGH COURT OF MADHYA PRADESH : BENCH AT INDORE**M.Cr.C. No.24791 of 2021****Mujeebur Rehman Khan @ Mujeeb Vs. State of M.P.****&****M.Cr.C. No.26245 of 2021****Mohammad Sajid @ Sajju Vs. State of M.P.**

Applicant - Mujeebur Rahman Khan @ Mujeeb is in custody since 15.03.2021 and applicant Mohammad Sajid @ Sajju are in custody since 12.03.2021.

The allegations against the applicants are that they have committed fraud with the various plot holders of “Parshav Kunj Colony” (Ahamd Nagar), Khajrana, Indore, who were forced to opt for the smaller plots instead of the plots they have allotted and such smaller plots were given in the name of “Jagrati Grih Nirman Sanstha”. It is alleged that co-applicant Mohammad Sajid @ Sajju also threatened the plot holders of dire consequences and tried to extort the plot holders for return of the plot.

Both the Senior Counsels appearing for the applicants have submitted that the applicants have been falsely implicated in the case as there is no evidence available on record to connect the applicants with the offence and only on the basis of the statements of the witnesses, they have arraigned as accused persons.

Senior Counsels have further submitted that the charge-sheet has already been filed and final conclusion of trial is likely to take sufficient long time.

HIGH COURT OF MADHYA PRADESH : BENCH AT INDORE**M.Cr.C. No.24791 of 2021****Mujeebur Rehman Khan @ Mujeeb Vs. State of M.P.****&****M.Cr.C. No.26245 of 2021****Mohammad Sajid @ Sajju Vs. State of M.P.**

Counsel for the respondent/State, on the other hand, has opposed the prayer and it is submitted that there is ample evidence on record to connect the applicants with the offence and the applicants have played fraud with plot owners/prospective owners and have made undue benefit by way of extortion as well.

Counsel for the respondent/State has also drawn the attention of this Court to the statements of the plot holders/witnesses, namely, Mohammad Salim, Mohammad Akil S/o Babu Khan, Phool Singh S/o Devisingh Thakur, Mohammad Ismile S/o Mohammad Aziz, Tarik Sheikh S/o Abdul Hamid etc.

On due consideration of submissions and on perusal of the case-diary, this Court finds force with the contentions raised by Counsel for the respondent/State and considering the fact that the applicants have also indulged in the extortion, no case for grant of bail is made out at this stage.

Accordingly, both the applications being devoid of merits and are hereby dismissed.

(SUBODH ABHYANKAR)
JUDGE

Pankaj

Digitally signed by PANKAJ

PANDEY

Date: 2021.08.21 17:42:46 +05'30'