

**The High Court Of Madhya Pradesh****MCRC-5316-2021***(TABREJ AHMED Vs THE STATE OF M.P)***MCRC-8981-2021***(NAVED AHMED Vs THE STATE OF M.P)***4****Jabalpur, Dated : 27-02-2021**

Shri Ankit Saxena, learned counsel for the applicants.

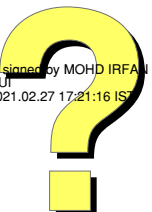
Shri R.N. Yadav, learned Panel Lawyer for the respondent-State.

Since both these Misc. Criminal Cases have arisen from the same Crime Number (Crime No.1193/2020), they have been analogously heard and are being disposed of by this common order.

Heard on these first applications for bail under Section 439 of the Code of Criminal Procedure filed on behalf of the applicants in connection with Crime No.1193/2020 registered at Police Station Piplani, District-Bhopal (MP) under Sections 420, 467, 468, 471, 34 of the IPC.

The allegation of prosecution is that, applicant-Tabrej who is the tenant of the shop of complainant/owner-Gaurav Batni, situated at H.No.197, Sector C, Indrapuri, Bhopal has not vacated it after the expiry of rental agreement. It is also alleged that on the complaint of Gaurav Batni, the electricity connection of the shop was already disconnected. Later on, in the year 2019, applicant-Tabrej with the help of applicant-Naved has executed a false rental agreement and got reconnected the connection. When the factual position had come in the knowledge of complainant then he lodged the report. On that basis above mentioned crime has been registered against the applicants.

Learned counsel for the applicants submitted that the applicants have not committed any offence and have falsely been implicated in the crime. It is further submitted that the applicants are permanent residents of the address shown in the applications. They are ready to furnish adequate surety and shall abide by all terms and conditions imposed upon them. There is no chance of their absconding or tampering with the evidence. It is also submitted that the applicants are in custody since 15.12.2020. In view of the aforesaid, prayer



has been made to enlarge the applicants on bail.

Learned Panel Lawyer for the respondent/ State on the other hand has opposed the bail applications.

Applicant-Tabrej is the tenant of the complainant and according to allegation, applicant Tabrej and co-accused Naved have got reconnected the connection on the basis of forged and concocted agreement of rent. The applicants are in judicial custody since 15.12.2020.

Keeping in view the facts and circumstances of the case particularly the fact as pointed out by the learned counsel for the applicants, allegation made against the applicants and also looking to the period of detention of the applicants, I am of the considered view that it is a fit case to enlarge the applicants on regular bail. Consequently, these first applications for bail under section 439 of the Code of Criminal Procedure filed on behalf of applicants, are allowed.

It is directed that applicants-Tabrej and Naved shall be released on bail on their furnishing a personal bond **each** in the sum of **Rs.30,000/-** (Rupees Thirty thousand only) **each** with separate solvent surety in the like amount to the satisfaction of the committal/trial Court for their appearance before that Court on all dates fixed in the case and for complying with the conditions enumerated under Section 437 (3) of the Code of Criminal Procedure.

In view of the outbreak of 'Corona Virus disease (COVID-19)' the concerned jail authorities are directed to follow the directions/guidelines issued by the Government with regard to 'COVID-19' before releasing the applicants.

C.C. as per rules.

(MOHD. FAHIM ANWAR)  
JUDGE

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