

**IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR**

BEFORE

HON'BLE SHRI JUSTICE ACHAL KUMAR PALIWAL

MISC. CRIMINAL CASE No. 42057 of 2025

MOHD. SARFARAZ

Versus

THE STATE OF MADHYA PRADESH

Appearance:

Shri Anil Khare - Sr. Advocate with Shri Akeel Farooqui, Advocate for the applicant.

Shri BD Singh – Dy.AG for State.

Shri RP Sharma - Advocate for the objector.

Reserved on : 29.10.2025

Pronounced on : 04.11.2025

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This application having been heard and reserved for orders and on this Day, the Court pronounced the following:-

ORDER

This is first bail application filed on behalf of applicant under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

2. The applicant is in jail since 10.07.2025 in connection with Crime No.374 of 2024 registered at P.S. Omti, District-Jabalpur for the offence punishable under Sections 420, 419, 467, 468, 471, 384, 386, 506, 406, 120-B and 34 of IPC.

3. Learned sr. counsel for the applicant submits that applicant is in jail since 10.07.2025. It is urged that incident occurred from 28.1.2024 to 21.06.2024 and FIR has been lodged/registered on 5.8.2024. It is also urged that Abdul Razzaq is

in jail since 2021 and present case pertains to incident from July, 2023. It is also urged that till today, Abdul Razzaq has not been taken into custody in the present case whereas he is in jail in another case from 2021. Further, after referring to documents available on record, it is urged that Nasreen's mother and father are out of India since 16.2.2024 and they returned to India on 6.3.2025. Therefore, it is impossible that any transaction could have taken place in their presence. Allegedly, at the time of transaction dated 28.2.2024, applicant Mohd. Sarfaraz was present. It is urged that nothing has been credited into the account of present applicant. It is also urged that agreement to sale was executed between the parties i.e. Nasreen and complainant on 9.3.2025. Therein, sale consideration was mentioned as Rs.2,32,83,000/- and 21 Lacs rupees was paid to the party. Till today, Rs.95 Lacs has been paid to the complainant. As per agreement, validity of contract was 6 months i.e from 9.3.2024 to 9.9.2024. But during aforesaid period, remaining amount of Rs.2,32,83,000/- was not paid. Four sale deeds have been executed by impersonating Yasmin as Nasreen Nikhat. It is also urged that Nasreen Nikhat has sent letter to Registrar informing that fake sale deeds are being executed.

4. Learned senior counsel for the applicant further submits that it was the complainant Ajay Patel himself, who used to got executed sale deed by impersonating one Yasmin as Nasreen Nikhat and in the photo filed in the case, Ajay Patel is seen standing behind Yasmeen. With respect to aforesaid, Yasmeen

has lodged complaint (Annexure A/10) against Ajay Patel, Brijesh Mishra, Ashutosh Pandey. Ajay Patel lodged complaint against Mohd. Riyaz, Riyaz and Nasreen to the effect that they have executed fake agreement to sale but it has not been verified. Forced entry has been made in the house of present applicant. There is no evidence against the present applicant to implicate him in the instant offence. With respect to applicant, no offence under Section 120-B of IPC is made out. In the instant case, there is no delivery of property. Hence, no offence of impersonation is made out against the present applicant. Applicant did not forge any documents. There is no entrustment in the case. On 28.2.2024, Nasreen was present in the college. Ajay Patel is having criminal antecedents. It is urged that complainant, after making payment of Rs.95 lacs, got executed sale deeds and complainant did not pay whole of the sale consideration within 6 months and has got registered false FIR. On above grounds, it is urged that applicant be released on bail.

5. Learned Dy.A.G. for the respondent/State as well as learned counsel for the objector submits that after extensive arguments, submit that petition filed by Mohd. Riyaz and Azhar under Section 482 of CRPC has been dismissed. Applicant and other persons got executed sale deeds by impersonating someone as Nasreen. Applicant and other co-accused persons are the part of land Mafia, who continuously indulge in land graving and they are also part of gang of history

sheeter Abdul Razzaq and at serial no.3 of gang history, present applicant is mentioned. Applicant is part of gang of Abdul Razzaq. In FIR at four places, name of present applicant is mentioned and therein active role of present applicant has been shown. In the instant case, four sale deeds have been executed but consideration thereof, has not been received by complainant. Agreement was executed on 28.2.2024 and not on 9.3.2024. Agreement to sale dated 9.3.2024 is fake and forged one. Statement of notary Dheeraj has been recorded on 28.1.2025 and he has clearly denied his signature on agreement to sale dated 9.3.2024 Documents, including Aadhar Card etc. are forged. On above grounds, it has been prayed that the application be dismissed.

6. Heard. Perused the record of the case.

7. This Court has examined the submissions of learned counsel for the parties in the light of evidence available on record.

8. Having regard to facts mentioned in the FIR as well as having regard to nature of evidence available on record with respect to applicant's involvement in the instant offence, I deem it proper to release the applicant on bail. Consequently, this bail application under Section 483 of BNSS for grant of bail filed on behalf of applicant stands allowed.

9. It is directed that applicant be released on bail on his furnishing a personal bond in the sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with

one solvent surety in the like amount to the satisfaction of the trial Court, for his regular appearance before the trial Court during trial with a condition that he shall remain present before the concerned Court on all the dates fixed by it during trial. He shall abide by all the conditions enumerated under Section 480(3) of Bharatiya Nagarik Suraksha Sanhita, 2023.

10. This order shall be effective till the end of the trial. However, in case of bail jump and breach of any of the conditions of bail, it shall become ineffective.

11. Soft copy of this bail order be sent immediately/forthwith to the applicant through concerned Jail Superintendent.

12. M.Cr.C. stands allowed and disposed of.

(ACHAL KUMAR PALIWAL)
JUDGE

Hashmi