

HIGH COURT OF UTTARAKHAND AT NAINITAL

Anticipatory Bail Application No. 191 of 2022

Ikram Ali and others

...Applicants

Versus

State of Uttarakhand

...Respondent

Present:-

Mr. Bilal Ahmad, Advocate for the applicants.

Mr. V.K. Jemini, D.A.G. with Ms. Meena Bisht, Brief
Holder for the State.

Hon'ble Ravindra Maithani, J. (Oral)

Applicants Ikram Ali, Asharaf Ali and Hasrat Ali seek anticipatory bail in Case Crime No.610 of 2022, Under Sections 419, 420, 467, 468, 471, 120B IPC, Police Station Laksar, District Haridwar.

2. Heard learned counsel for the parties and perused the record.

3. Informant's mother had died on 15.11.1998. Her name was Sheeto. She was daughter of a Prakash. The father of the informant Samay Singh remarried with the another woman named Sita. It is the case of the informant that Sita, impersonating his mother Sheeto executed various forged documents, including one agreement to sale in favour of the applicant. Ikram Ali, in which the other applicants Asharaf Ali and Hasrart Ali were witnesses.

4. Learned counsel for the applicant would argue that, in fact, the applicant did not commit any offence. Prakash had executed a will in favour of Sita, who was the second wife of Samay Singh, treating her as his own daughter. The property was mutated in the name of Sita. Sita executed the agreement in favour of the applicant Ikram Ali. When the dispute arose the agreement itself has been cancelled. They entered into the transaction in a *bonafide* manner. But, subsequently, they cancelled the agreement as well.

5. Learned State counsel admits all these facts.

6. Having considered the entirety of facts, this Court is of the view that this is a case fit for anticipatory bail.

7. The anticipatory bail application is allowed.

8. In the eventuality of arrest, the applicants shall be enlarged on anticipatory bail subject to their furnishing a personal bond with two sureties by each one of them, each in the like amount, to the satisfaction of the Investigating Officer. In addition to it the applicants shall also comply with the following conditions:

- (i) The applicants shall co-operate with the investigation.
- (ii) The applicants shall not approach any witness/victim in any manner, whatsoever.
- (iii) The applicants shall not leave the country without prior permission of the concerned court.
- (iv) The applicants shall deposit their passports with the IO. The passports may only be returned by the order of the court concerned. In case the applicants or any of them does not have passport, they shall give an undertaking to that effect to the IO.
- (v) The applicants shall also give an undertaking on (i), (ii) & (iii) above.

(Ravindra Maithani, J.)
01.09.2022