



2026:UHC:4617

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<p><u>ABA No.199 of 2026</u> <b><u>Hon'ble Alok Mahra, J.</u></b></p> <p>Mr. S.R.S. Gill along with Mr. Kundna Singh, learned counsel for the applicant.</p> <p>2. Mr. Pushpa Bhatt, learned Addl. Advocate General along with Mr. S.C. Dumka, learned A.G.A. for the State.</p> <p>3. By means of the present anticipatory bail application, the applicant seeks grant of anticipatory bail in connection with F.I.R. No. 36 of 2025, registered at Police Station Bhowali, District Nainital.</p> <p>4. Learned counsel for the applicant would submit that the impugned F.I.R. has been lodged alleging commission of an offence under Section 318(4) of the B.N.S. alleging therein that certain persons, on the basis of forged documents and a fabricated power of attorney, executed transactions relating to the land in question. It is further alleged that the actual tenure-holder was not known to the villagers and, pursuant to a complaint made before the Tehsildar, an inquiry was conducted by the Land Fraud Committee, on the basis of whose recommendations the present F.I.R. came to be registered.</p> <p>5. Learned counsel for the applicant would further submit that the applicant is innocent and has falsely been implicated in the present case; that, the applicant was not named in the F.I.R. and that, after investigation, a charge-sheet has been submitted under Sections 318(4), 336(3), 338, 318(2) and 61(2) of the B.N.S.; that, the only allegation against the applicant is that he prepared the alleged power of</p>



			<p>attorney in favour of persons who were not the recorded bhumidhars of the land in question.</p> <p>6. He would further submit that even assuming the prosecution case to be correct, the applicant neither executed any sale deed nor acted as an attesting witness to any such transaction; that, the applicant had no authority to transfer the land and is alleged only to have prepared the power of attorney; that, during the course of investigation the applicant remained protected by interim orders passed by this Court, fully cooperated with the Investigating Officer, and the investigation has now culminated in submission of the charge-sheet.</p> <p>7. Learned counsel further submits that no custodial interrogation of the applicant is required, as the case rests primarily upon documentary evidence already collected during investigation; that, there is no likelihood of the applicant tampering with such evidence; that, similarly situated co-accused persons have already been granted bail by the court concerned.</p> <p>8. Per contra, learned State Counsel opposes the anticipatory bail application and submits that, as per the instructions received, the applicant is the mastermind of the alleged fraud and is stated to have prepared forged identity documents, including Aadhaar Cards and PAN Cards, by substituting impersonators in place of the actual bhumidhars.</p> <p>9. To this, learned counsel for the applicant would submit that the allegations regarding preparation of forged identity documents and impersonation are disputed</p>
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		<p>questions of fact which can only be adjudicated upon during trial on the basis of evidence led by the parties.</p> <p>10. Heard learned counsel for the parties and perused the material brought on record.</p> <p>11. Without expressing any opinion on the merits of the case, and having regard to the nature of the allegations, the role attributed to the applicant, the fact that the applicant was not named in the F.I.R., the completion of investigation and submission of the charge-sheet, the documentary nature of the evidence, and the principles governing grant of anticipatory bail, this Court is of the view that the applicant has made out a fit case for grant of anticipatory bail.</p> <p>12. Accordingly, in the event of arrest of the applicant in connection with F.I.R. No. 36 of 2025, registered at Police Station Bhowali, District Nainital, he shall be released on anticipatory bail on furnishing a personal bond and two reliable sureties each of the like amount to the satisfaction of the Arresting Officer/Investigating Officer/Court concerned, subject to the following conditions:</p> <ul style="list-style-type: none"><li>(i) The applicant shall make himself available for interrogation by the Investigating Officer as and when required and shall cooperate with the investigation/trial proceedings;</li><li>(ii) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade such person from disclosing the facts to the Court or</li></ul>
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			<p>the Investigating Agency;</p> <p>(iii) The applicant shall not tamper with the prosecution evidence or attempt to influence witnesses in any manner whatsoever;</p> <p>(iv) The applicant shall not leave India without prior permission of the Court concerned and, if in possession of a passport, shall furnish its details before the Investigating Officer/Court concerned;</p> <p>(v) The applicant shall regularly appear before the Court concerned and shall not seek unnecessary adjournments during the course of trial;</p> <p>(vi) The applicant shall not misuse the liberty granted by this Court and shall maintain good conduct throughout the period of protection.</p> <p>13. In case of breach of any of the aforesaid conditions, it shall be open to the prosecution to seek cancellation of anticipatory bail in accordance with law.</p> <p>14. Subject to the aforesaid conditions, the anticipatory bail application stands allowed.</p> <p style="text-align: right;"><b>(Alok Mahra, J.)</b> 10.06.2026</p> <p>Mamta</p>
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