



2026:UHC:4620

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.200 of 2026</u> <u>Hon'ble Alok Mahra, J.</u></p> <p>Mr. S.R.S. Gill along with Mr. Kundan 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. on the allegation that certain persons, by using forged documents and a fabricated power of attorney, executed transactions in respect of the land in question. It is alleged that the actual tenure-holder was not known to the villagers and, upon a complaint made before the Tehsildar, an inquiry was conducted by the Land Fraud Committee, pursuant to 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 been falsely implicated in the present case; that, the applicant was not named in the F.I.R. and that, after completion of investigation, a charge-sheet has already been filed. According to the prosecution case itself, the applicant is merely a bona fide purchaser of the land in question. Learned counsel submits that</p>



		<p>upon coming to know that the person who had executed the sale deed was not the recorded bhumidhar of the property, the applicant himself approached the concerned Senior Superintendent of Police by way of a complaint and has also instituted a civil suit seeking cancellation of the sale deed.</p> <p>6. Learned counsel further submits that no custodial interrogation of the applicant is required, inasmuch as the case is based predominantly on documentary evidence which has already been collected during the course of investigation; that, there is no possibility of the applicant tampering with the evidence or influencing the investigation; that, similarly situated co-accused persons have already been granted bail by the court concerned. It is further argued that the allegations levelled against the applicant involve disputed questions of fact which can only be adjudicated during trial on the basis of evidence adduced by the parties.</p> <p>7. Per contra, learned State counsel would oppose the anticipatory bail application.</p> <p>8. Heard learned counsel for the parties and perused the material available on record.</p> <p>9. 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, the absence of any requirement for custodial</p>
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interrogation, and the settled principles governing the grant of anticipatory bail, this Court is of the considered view that the applicant has made out a fit case for grant of anticipatory bail.

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:

(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;

(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 the Investigating Agency;

(iii) The applicant shall not tamper with the prosecution evidence or attempt to influence witnesses in any manner whatsoever;

(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;

(v) The applicant shall regularly appear before the Court concerned



			<p>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;">(Alok Mahra, J.) 10.06.2026</p> <p>Mamta</p>
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