

Court No. - 73

**Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 10853 of 2023**

Applicant :- Labli

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Puneet Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Nalin Kumar Srivastava,J.

1. Heard learned counsel for the applicant, learned A.G.A. for the State and perused the record.

2. This application has been moved on behalf of the applicant **Labli** seeking anticipatory bail in Case Crime No. 458 of 2022, under Sections 420, 467, 468, 471 IPC, Police Station Kotwali Nagar, District- Banda.

3. In the name of Ramrati, grand mother of the informant sale deed of her property was executed by way of impersonation by the present application. FIR was lodged on 8.6.2022 and investigation is going on.

4. It is submitted by the learned counsel for the applicant that the applicant is innocent and has no concern with the present matter. Allegations levelled against the applicant are false. It is further submitted that investigation is going-on and till date no charge-sheet has been submitted against the accused applicant. It is further submitted that the present applicant is an illiterate lady, the purchaser and witnesses of the sale deed are in relation with the present applicant and on their summoning the present applicant appeared in the registry office but she was unaware of the fact that some sale deed is being executed by her as an imposter. It is further submitted that investigation of the case is going on. The applicant is cooperating with the investigation. She has no criminal history to her credit and is entitled for anticipatory bail. It is lastly submitted that in case applicant is granted anticipatory bail, she will not misuse the liberty of bail and would obey all conditions of bail.

5. Learned A.G.A. opposed the prayer for anticipatory bail. It is vehemently submitted that it is a case of impersonation where present applicant as an imposter sold the property of Ramrati, the grand mother of the informant, who was already dead in 2015 and the consideration amount was enjoyed by the present

applicant and she is the main beneficiary of the plan. It is further submitted that the offence is very serious and is not entitled for anticipatory bail.

6. In the present matter as an imposter the property of the dead owner has been sold by the present applicant and she has enjoyed the consideration amount.

7. In **Sushila Aggarwal and others vs. State (NCT of Delhi) and another, (2020) 5 SCC 1**, the Hon'ble Apex Court has settled held that while considering an application for grant of anticipatory bail, the court has to consider the nature of the offence, the role of the person, the likelihood of his influencing the course of investigation, or tampering with evidence including intimidating witnesses, likelihood of fleeing justice, such as leaving the country, etc. It has further been held that Courts ought to be generally guided by considerations such as the nature and gravity of the offences, the role attributed to the applicant, and the facts of the case, while considering whether to grant anticipatory bail, or refuse it. Whether to grant or not is a matter of discretion.

8. Hence, considering the settled principles of law regarding anticipatory bail, submissions of the learned counsel for the parties, nature of accusation, role of applicant and all attending facts and circumstances of the case, without expressing any opinion of the merits of the case, I deem it not a fit case to grant anticipatory bail to the present applicant. Prayer made in the application is refused.

9. The anticipatory bail application is **rejected**.

10. In the last, learned counsel for the applicant has urged that direction be given to the learned Court concerned to consider and decide the bail application of the applicant in terms of the law laid down by the Hon'ble Apex Court in **Satender Kumar Antil vs. Central Bureau of Investigation and another, 2022 SCC OnLine SC 825**.

11. Hence, it is observed that the bail application of the applicant, if moved, shall be considered and decided by the Court concerned expeditiously as per law.

Order Date :- 24.11.2023

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