

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 45079 of 2023

Applicant :- Shueb Urf Bablu

Opposite Party :- State of U.P.

Counsel for Applicant :- A.C.Srivastava, Vinod Kumar Tripathi

Counsel for Opposite Party :- G.A., Mohd Raghieb Ali

Hon'ble Pankaj Bhatia, J.

1. Heard learned counsel for the applicant, Sri Saghir Ahmad Senior Advocate assisted by Mohd. Raghis Ali for the informant as well as learned AGA and perused the record.
2. The accused-applicant seeks bail in Case Crime No.208 of 2023 under sections 419, 420, 467, 468, 471 IPC, P.S. Civil Line, District Meerut.
3. The FIR in question was lodged alleging that the applicant had made the signature of the lawyer in filling the bail bonds and when call was received by the informant, he has lodged the FIR in question.
4. The counsel for the applicant argues that even for the sake of arguments, if averments are treated to be gospel truth, prima faice the ingredients of the offence are not said to be made out. There is no allegation of impersonation on behalf of the informant or inducing the part with valuable security, which is an offence punishable under section 420 IPC. The criminal antecedents have been duly explained.
5. The counsel for the applicant argues that the ingredients of section 467 are duly made out in respect of the allegations made in the FIR. To record the said submissions, Section 467 of the IPC is quoted herein above :

467. Forgery of valuable security, will, etc.—Whoever forges a document which purports to be a valuable security or a will, or an authority to adopt a son, or which purports to give authority to any person to make or transfer any valuable security, or to receive the principal, interest or dividends thereon, or to receive or deliver any money, movable property, or valuable security, or any document purporting to be an acquittance or receipt acknowledging the payment of money, or an acquittance or receipt for the delivery of any movable property or valuable security, shall be punished with 1[imprisonment for life], or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

6. On a plain reading of the said section, the forgery should be with a document, which is a valuable security or a will, or an authority to adopt a son, or any authority to give a person to make or transfer of any valuable security, or to receive the principal, interest or dividends thereon, or to receive or deliver any money, movable property, or valuable security, or any document purporting to be an acquittance or receipt acknowledging the payment of money, or an acquittance or receipt for the delivery of any movable property or valuable security.

7. Thus, I have no hesitation in forming a prima facie view that none of the said ingredients are made out. In any case, this court is deciding the bail application and not hearing the matter for quashing the first information report.

8. Considering the nature of the allegations, prima facie the offence cannot be said to be made out, as such, the applicant who is in custody since 06.07.2023 is entitled to be enlarged on bail, as such, the bail application is allowed.

9. Let the applicant **Shueb Urf Bablu** be released on bail in aforesaid first information report number subject to his furnishing a personal bond and two reliable sureties of Rs.25000/- (Twenty Five Thousand) each of the like amount to the satisfaction of the court concerned with the following conditions:

(a) The applicant shall execute a bond to undertake to attend the hearings;

(b) The applicant shall not commit any offence similar to the offence of which he is accused or suspected of the commission; and

(c) 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 him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

Order Date :- 2.11.2023

VNP/-