

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438
CR.P.C. No. - 2416 of 2023

Applicant :- Muradulla Siddiqui Advocate Notary

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home And Another

Counsel for Applicant :- Iqbal Ali

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Iqbal Ali, the learned counsel for the applicant as well as Sri Anant Pratap Singh, the learned Additional Government Advocate appearing on behalf of the State and perused the records.

2. The instant application has been filed by the applicant seeking anticipatory bail in F.I.R. bearing Case Crime No.287 of 2023, under Sections 419, 420, 467, 468, 471 I.P.C., registered at Police Station Mohammadi, District Kheri.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 14.05.2023 against 7 persons, including the applicant, stating that one Jaane Alam is an accused in Case Crime No.115 of 2021 under Sections 302, 34, 504, 506 IPC, Police Station Pasagawan, Kheri, who is major. His father co-accused Mangal executed a notary falsely showing him to be a minor and the affidavit was verified by the applicant, which is a notary.

4. In the affidavit filed in support of the anticipatory bail-application, it has been contended that the applicant is innocent, he has no criminal history and he has falsely been implicated in the present case.

5. The learned A.G.A. has opposed the prayer for bail but he could not dispute the aforesaid aspects of the matter.

6. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that only allegation against the applicant

is of regarding having verify an affidavit as a notary, which affidavit was presented before him by an accused person; a notary is not expected to verify genuineness and correctness of the averments made by a deponent and the applicant is merely required to verify whether the deponent is claiming facts to be true, *prima facie* it appears that the applicant is innocent.

7. In view of the aforesaid discussions, I am of the view that the aforesaid facts are sufficient for making out a case for granting anticipatory bail to the applicant, therefore, the anticipatory bail application of the applicant is **allowed**.

8. In the event of arrest/ appearance of **applicant-Muradulla Siddiqui Advocate Notary** before the learned Trial Court in the aforesaid case crime, he shall be released on anticipatory bail on his furnishing personal bond and two solvent sureties, each in the like amount, to the satisfaction of S.H.O./Court concerned on the following conditions and subject to any other conditions that may be fixed by the Trial Court:

(i). That the applicant shall appear before the trial court on each date fixed, unless personal presence is exempted;

(ii). That 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;

(iii). That the applicant shall not pressurize/ intimidate the prosecution witness;

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(Subhash Vidyarthi, J.)

Order Date :- 31.10.2023
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