

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2495 of 2023

Applicant :- Israul Haq

Opposite Party :- State Of Up Thru Addl. Chief Secy / Prin
Secy Home Civil Sectt Lko And Another

Counsel for Applicant :- Manish Nigam

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Manish Nigam, the learned counsel for the applicant as well as Sri Anurag Verma, the learned Additional Government Advocate-I 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. 357 of 2020, under Sections 447, 419, 420, 467, 468 IPC, Police Station Kotwali Balrampur City, District Balrampur.
3. The aforesaid case has been registered on the basis of a F.I.R. lodged on 13.10.2020 against the applicant and his wife, alleging that there is a dispute regarding some property between the parties and the accused persons prepared a fake receipt dated 29.07.1979 purportedly issued by the office of the Balrampur Estate regarding the aforesaid property.
4. It has been stated in the affidavit that the accused persons have filed a Civil Suit No. 248 of 2019 for perpetual injunction regarding the same property.
5. In para 21 of the affidavit, it has been stated that the applicant has filed an application under Section 482 Cr.P.C. No. 577 of 2022, which is still pending.
6. Learned AGA-I has vehemently opposed the application and he has submitted that the applicant has sought interim relief of protection from arrest in the aforesaid application and the present application has also been filed with the same objective, after issuance of bailable warrant.
7. Having considered the facts and circumstances of the case, as the applicant's prayer for stay of his arrest is pending consideration before a Co-ordinate Bench of this Court in an

application under Section 482 filed by the applicant which is still pending, I am of the view that the present application cannot be entertained for the aforesaid reason.

8. The anticipatory bail application is ***rejected*** accordingly.

Order Date :- 6.11.2023

Pradeep/-