Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438 CR.P.C. No. - 2543 of 2023
Applicant :- Vishram Shukla
Opposite Party :- State Of U.P. Thru. Prin. Secy. Deptt. Of Home Civil Sectt. Lko And Another
Counsel for Applicant :- Pawan Kumar Mishra
Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Supplementary affidavit filed on behalf of the applicant is taken on record.

2. Heard Sri Pawan Kumar Mishra, learned counsel for the applicant, Sri Rakesh Kumar Singh, learned A.G.A. for the State as well as Sri Saksham Agarwal, learned counsel for the informant and perused the record.

3. The instant bail application has been filed seeking anticipatory bail in case crime No. 211 of 2021, under Sections 419, 420, 467, 468, 471 I.P.C, registered at Police Station Pachapedwa, District Balrampur.

4. The aforesaid case has been registered on the basis of a F.I.R. lodged on 30.10.2021 against five persons, including the applicant and 3-4 unknown persons, alleging that the accused persons got a fake will deed of the informant's maternal grand father prepared and registered. The applicant had witnessed execution of the will.

5. In the affidavit filed in support of the anticipatory bail-application it has been contended that the applicant is a 63 years old person who is suffering from paralysis, he has falsely been implicated in the present case and he has no criminal history.

6. The learned counsel for the informant has vehemently opposed the application and he has submitted that the thumb impression of the testator was examined by Forensic Science Laboratory, which has reported that the thumb impression did not belong to the testator. He has further submitted that co-accused Saurabh

Singh has been granted regular bail in the present case and, therefore, there is no good ground to treat the applicant differently.

7. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the applicant had witnessed execution of the will by a person, who was an imposter and the thumb impression of that imposter have been found to be fake in a report submitted by the Forensic Science Laboratory, I am of the view that the aforesaid facts do not warrant exercise discretion of this Court by granting pre arrest bail to the applicant.

8. The application stands ***rejected*** accordingly. However, in case the applicant files an application for grant of bail, the same shall be considered and decided on its merits, without being influenced by any observations made in this order.

(Subhash Vidyarthi,J.)

Order Date :- 7.11.2023
Preeti.

Digitally signed by :-
PREETI GAUTAM
High Court of Judicature at Allahabad,
Lucknow Bench