

**Court No. - 16**

**Case :-** CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438  
CR.P.C. No. - 2578 of 2023

**Applicant :-** Abdul Mateen Khan

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

**Counsel for Applicant :-** Khaleeq Ahmad Khan

**Counsel for Opposite Party :-** G.A.

**Hon'ble Subhash Vidyarthi,J.**

1. Heard Sri Khaleeq Ahmad Khan, the learned counsel for the applicant as well as 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.358 of 2023, under Sections 409, 419, 420, 467, 468, 471 I.P.C., registered at Police Station Ram Gaon, District Bahraich.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 11.08.2023 alleging that a bank account of one Sahila Khatoon (since deceased) was opened by then Branch Manager-the applicant on 23.12.2016. A nomination form was submitted and on the strength thereof, name of the applicant, who also claims himself to be nephew of the account holder, was recorded as the account holder's nominee. Entry of nomination was made in the nomination register on 13.07.2018 whereas the account holder had died on 05.06.2018. On 19.07.2018, Rs.31,54,471/- were transferred from the account of the deceased to the applicant's account.

4. The FIR has been lodged after another nephew of the deceased gave a complaint to the subsequent incumbent of the post of Branch Manager of the bank after the applicant's retirement.

5. 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. A copy of the nomination form has been annexed with the affidavit filed in support of the application, which mentions the date 22.05.2018, which was during life time of the deceased.

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

7. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that no other claimant has initiated any proceeding in any court regarding the amount deposited in the account of the deceased and that the applicant is 62 years old person having no criminal history and without making any observations which may affect the outcome of the case, I am of the view that the aforesaid facts are sufficient for making out a case for granting anticipatory bail to the applicant.

8. In view of the above, the anticipatory bail application of the applicant is **allowed**. In the event of arrest/ appearance of **applicant- Abdul Mateen Khan** 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 :- 8.11.2023**

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