

HIGH COURT OF UTTARAKHAND AT NAINITAL
Anticipatory Bail Application No.717 of 2024

Firoz Khan

...Applicant

Versus

State of Uttarakhand

...Respondent

Present:-

Mr. Aditya Pratap Singh, Advocate for the applicant.

Mr. Pramod Tiwari, Brief Holder for the State.

Hon'ble Ravindra Maithani, J. (Oral)

Applicant seeks anticipatory bail in FIR No. 231 of 2024, under Sections 420, 467, 468, 471 IPC, Police Station Doiwala, District Dehradun.

2. Heard learned counsel for the parties and perused the record.

3. According to the FIR, the applicant procured Permanent Resident Certificate after making forgery in *Khatauni*.

4. Learned counsel for the applicant would submit that the applicant never forged any document. The applicant obtained a certified copy from the Revenue Department and he produced the same copy while applying for the domicile certificate. Learned counsel would also submit that there is a receipt issued by the Department when the applicant applied for the domicile certificate and in that receipt there is no reference that *khatauni* of the *Fasli* Year 1402 was submitted by the applicant.

5. Learned State counsel would submit that there are immense evidence to show that the applicant forged the *khatauni*, particularly for the *fasli* year of 1417 so as to obtain domicile certificate. He has referred to the application form that was submitted by the applicant alongwith the extract of the *khatauni*, which the applicant allegedly deposited at the time of applying, which records that the *khatauni* belongs to the *Fasli* Year 1402. In fact, annexure 8 to the anticipatory bail application is the certified copy of the extract of the *khatauni* which pertain to the *Fasli* Year 1417. The Department took the application forms electronically. There is a witness called Praveen Rawat, who tells that the applicant did provide him all the documents in original, which he scanned and uploaded. But, according to him, the applicant did not provide, the original copy of *khatauni*, instead he gave a photostat of the extract of *khatauni* with the assurance that he would produce the original at the time of verification. Alongwith the supplementary affidavit, the State has filed the application form of the applicant alongwith the extract of *khatauni*, which allegedly the applicant submitted.

6. According to the State, the domicile certificate issued to the applicant has been cancelled on the ground that he has forged the extract of *khatauni*, revealing as if, it belongs to the *Fasli* Year 1402, whereas it was issued for the *Fasli* Year 1417.

7. It is the stage of anticipatory bail. Much of the discussion is not expected of. Various factors are to be considered at the time of anticipatory bail. Gravity of offence is one of the factors.

8. State has filed the application form, which was submitted by the applicant. It was scanned by Praveen Rawat. It has the extract of *khatauni* for the *Fasli* Year 1402, which as per the prosecution, and even, as per the applicant was never issued to him. The annexure 8 to the anticipatory bail application would reveal that it was issued on 07.01.2023 at 12:37:29 PM and according to it, it belongs to *Fasli* Year 1417, but along with the application the extract of *khatauni* which was uploaded appears to be of the *Fasli* Year 1402 as the applicant has made forgery in such document.

9. Having considered, this Court is of the view that there is no reason to grant anticipatory bail to the applicant. Accordingly, the anticipatory bail application deserves to be rejected.

10. The anticipatory bail application is rejected.

(Ravindra Maithani, J.)
26.12.2024