



2026:UHC:2000

IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

THE HON'BLE SRI JUSTICE ALOK KUMAR VERMA

20TH MARCH, 2026

ANTICIPATORY BAIL APPLICATION NO. 31 OF 2026

Ashok Kumar Applicant

Versus

State of Uttarakhand and Others Respondents

Counsel for the Applicant : Mr. Birendra Singh Adhikari,
Advocate.

Counsel for the Respondent : Mr. Pratiroop Pandey, Assistant
Nos.1 and 2 Government Advocate.

Hon'ble Alok Kumar Verma,J.

This Application has been filed for anticipatory bail in Case Crime No.10 of 2024, registered at Kotwali Dehradun under Sections 420, 467,468 and Section 471 of the Indian Penal Code, 1860.

2. As per the First Information Report dated 03.01.2024, one Mohan Prasad Kala and Anil Kala purchased a land on 16.09.2004 from Sabarmal Agarwal. Ashok Kumar (applicant) sold the land to other person through a forged registered Power of Attorney deed dated 27.05.2003, while Sabarmal Agarwal had not executed any such power of attorney.

3. Heard Mr. Birendra Singh Adhikari, learned counsel for the applicant and Mr. Pratiroop Pandey, learned Assistant Government Advocate for respondent nos.1 and 2.



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4. Mr. Birendra Singh Adhikari, Advocate contended that the allegation of forged Power of Attorney dated 27.05.2003 is totally wrong and baseless. An Original Suit (O.S. No.33 of 2018, “Shri Sabar Mal Agarwal through Power of Attorney Anil Kala vs. Ashok Kumar and Others”) was filed with the same allegations which are made in the present First Information Report. The issued no.1 was framed regarding the genuineness of the Power of Attorney in-question. On 18.02.2025, the plaintiff died and accordingly civil suit was abated. Applicant, aged about 74 years, is a permanent resident of District Saharanpur (Uttar Pradesh). Charge-sheet has already been filed, therefore, there is no chance of tampering with the evidence. The custodial interrogation is not required, and, interim bail was granted to the applicant on 21.01.2026, and, the conditions of the interim bail have not been violated or misused by him.

5. Mr. Pratiroop Pandey, Assistant Government Advocate, has opposed the anticipatory bail application. However, he submitted that charge-sheet has already been filed, therefore, there is no requirement of custodial interrogation.

6. Personal liberty under Article 21 of the Constitution of India is very precious fundamental right and it should be curtailed only when it becomes imperative according to the peculiar facts and circumstances of the



case.

7. Having heard the submissions of learned counsel for the parties and keeping in view of the facts and circumstances of the case, without commenting on the merits of the case, the present Anticipatory Bail Application is allowed and the order dated 21.01.2026, granting interim bail to the applicant, is made absolute. It is directed that in the event of arrest of the applicant Ashok Kumar, he shall be released on anticipatory bail on executing a personal bond of Rs. 30,000/- and two reliable sureties, each of the like amount, to the satisfaction of the Arresting Officer, subject to the following conditions:-

- (i) Applicant shall attend the trial court regularly and he shall not seek any unnecessary adjournment;
- (ii) Applicant shall not directly or indirectly make any inducement, threat or promise to any person, acquainted with the facts of this case.
- (iii) Applicant shall not leave the country without the previous permission of the trial court.

8. It is made clear that if the applicant misuses or violates any of the conditions, imposed upon him, the prosecution agency will be free to move the Court for cancellation of the anticipatory bail granted to the applicant.

ALOK KUMAR VERMA, J.

Date: 20.03.2026
Pant