



IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

First Bail Application No.2520 of 2025

Naziya

.....Applicant

Vs.

State of Uttarakhand

....Respondent

Presence: Mr. Rakesh Bhadala, learned counsel for the Applicant.
Mr. Girish Chandra Joshi, learned AGA for State of Uttarakhand.

Hon'ble Ashish Naithani, J.

The present First Bail Application has been filed by the Applicant, Naziya, who is presently in judicial custody in connection with FIR No. 120 of 2024, dated 29.04.2024, registered at Police Station Kotdwar, District Pauri Garhwal, under Sections 467, 468, 471, 420 and 120-B of the Indian Penal Code.

2. The case, as emerging from the FIR and the material placed on record, is that the informant alleged fraudulent execution of sale deeds in respect of her land by impersonating the true owner and using forged documents. It is alleged that certain accused persons, in furtherance of a criminal conspiracy, prepared forged documents and executed sale transactions in favour of third parties, thereby causing wrongful loss to the informant.

3. The role attributed to the present Applicant is that she, being an advocate by profession, drafted and facilitated the execution of the impugned sale deeds. It has been alleged that she was not merely a



formal scribe but was actively involved in the conspiracy along with the co-accused persons.

4. It is not in dispute that the Applicant was not named in the FIR at the initial stage. During the course of investigation, however, her name came to be introduced as an accused.

5. The record further indicates that a charge sheet dated 17.11.2024 was filed in the Court of the learned A.C.J.M., Kotdwar, on 30.11.2024, but the Applicant was not arrayed as an accused in the said charge sheet.

6. The case thereafter proceeded to trial against the charge-sheeted accused persons, and charges were framed on 15.04.2025. It is stated that the trial has commenced and four prosecution witnesses have already been examined.

7. From the material placed on record, it appears that the said witnesses have not attributed any specific overt act to the Applicant except stating that she drafted and attested the sale deed in question in her professional capacity as an advocate.

8. The Applicant came to be arrested subsequently on 12.12.2025, after a considerable lapse of time from the date of the FIR and even after the commencement of trial.

9. The bail application of the Applicant was rejected by the learned A.C.J.M., Kotdwar and thereafter by the learned Additional Sessions Judge, Kotdwar, vide order dated 22.12.2025.

10. Learned counsel for the Applicant submits that the Applicant has been falsely implicated in the present case and that her implication is an afterthought, as she was not named in the FIR.

11. It is contended that even after completion of investigation, the police did not find sufficient material against the Applicant to array her as an accused in the charge sheet, which itself demonstrates the absence of incriminating material.

12. Learned counsel further submits that the trial had already commenced and several witnesses have been examined, yet none of them have attributed any role to the Applicant beyond the drafting of the document in her professional capacity as an advocate.

13. It is argued that mere drafting or attestation of a document by an advocate does not constitute participation in a criminal conspiracy, particularly in the absence of any material indicating knowledge of alleged fraud or active involvement in the offence.

14. Learned counsel also submits that the arrest of the Applicant is illegal and arbitrary, as no specific grounds of arrest were communicated to her, in violation of Article 22(1) of the Constitution and the law laid down by the Hon'ble Supreme Court.

15. It is further contended that the Applicant's arrest after filing of the charge sheet and after commencement of trial is wholly unjustified, particularly when no new material has been brought on record necessitating such arrest.

16. Learned counsel places reliance on the principle that the power to arrest does not justify its exercise in the absence of necessity, and submits that the Applicant has throughout cooperated with the investigation.

17. It is also argued that the entire case is based on documentary evidence, which is already in the custody of the prosecution, and therefore there is no possibility of tampering with evidence.

18. It is also argued that the Applicant has deep roots in society, is a practicing advocate, and there is no likelihood of her absconding or misusing the liberty of bail.

19. Learned A.G.A. for the State opposes the bail application and submits that the Applicant is not an innocent or peripheral participant but is a key conspirator in the execution of forged sale deeds.

20. It is contended that the Applicant, being an advocate, played a crucial role in preparing forged documents and facilitating fraudulent transactions, thereby lending legitimacy to illegal acts.

21. Learned A.G.A. further submits that the material collected during investigation discloses active involvement of the Applicant in the conspiracy and that the offences alleged are serious in nature involving forgery of valuable security and cheating.

22. It is also submitted that the Applicant has criminal antecedents and has been named in other cases of a similar nature, including proceedings under the Gangster Act, which reflects her involvement in organized criminal activity.

23. Learned State counsel argues that the ground of parity is not available to the Applicant, as her role is distinguishable and more serious than that of other co-accused persons.

24. It is further contended that the Applicant, if released on bail, may influence witnesses or otherwise interfere with the trial, particularly considering her background and professional standing.

25. On these grounds, learned A.G.A. submits that no case for grant of bail is made out and the application deserves to be rejected.

26. I have heard learned counsel for the parties at length and have perused the material available on record.

27. The case arises out of allegations of preparation and execution of forged sale deeds in respect of immovable property by impersonating the



true owner. The offences alleged under Sections 467, 468 and 471 IPC relate to forgery of valuable security and are grave in nature, carrying serious penal consequences.

28. The role attributed to the present Applicant is not merely that of a formal scribe. The material collected during investigation, as reflected in the case diary and the findings recorded by the learned trial court, indicates that the Applicant, being an advocate, was instrumental in facilitating the preparation and execution of forged documents and acted in concert with other accused persons.

29. The contention of the Applicant that she was not named in the FIR and was not initially charge-sheeted does not, by itself, dilute the case of the State. It is well settled that an FIR is not an encyclopaedia of facts and the role of an accused may unfold during investigation.

30. The record further reveals that during investigation and subsequent proceedings, material came to light indicating involvement of the Applicant in the fraudulent transactions. The trial court, upon consideration of the material, has recorded a categorical finding regarding her involvement and has rejected her bail application.

31. The submission that the Applicant merely drafted the sale deed in her professional capacity cannot be accepted at this stage. The allegations are not confined to mechanical drafting but extend to active facilitation of fraudulent transactions. The preparation of documents, identification of parties, and execution of sale deeds, when viewed in the

backdrop of impersonation and forgery, prima facie indicate conscious participation.

32. This Court also finds it necessary to observe that the Applicant is a practicing advocate. An advocate occupies a position of trust in the legal system and is expected to act with a higher degree of responsibility, integrity and due diligence, particularly in matters involving preparation and attestation of legal documents affecting valuable rights in immovable property. The alleged misuse of such professional position, if prima facie established, aggravates the nature of the accusation rather than mitigating it.

33. The argument that certain witnesses examined so far have not attributed a specific role to the Applicant is of limited assistance at this stage. The trial is still in progress and the evidentiary appreciation cannot be undertaken in a piecemeal manner while considering a bail application.

34. The timing of arrest of the Applicant after filing of the charge sheet and commencement of trial does not, in the facts of the present case, render the arrest unwarranted. The power of further investigation and summoning of additional accused persons is well recognised, and the material collected thereafter can legitimately form the basis for such action.

35. The Applicant's antecedents assume significance. It has been brought on record that she has been implicated in other cases of a similar

nature, including proceedings under the Gangster Act. This pattern of conduct prima facie indicates involvement beyond an isolated instance and cannot be ignored while considering the prayer for bail.

36. The ground of parity, as urged by the Applicant, is also not available in the present case. Parity cannot be applied mechanically. The role attributed to the Applicant, as emerging from the record, is qualitatively distinct, inasmuch as she is alleged to have played a central role in preparation and facilitation of forged documents, thereby lending an appearance of legal sanctity to the transactions in question.

37. The apprehension expressed by the State that the Applicant may influence witnesses or interfere with the course of trial cannot be said to be unfounded, particularly considering her professional standing and proximity to the legal process.

38. The submission that the case is based on documentary evidence does not entirely obviate such apprehension, as the trial is still underway and several witnesses remain to be examined.

39. The fact that the Applicant is a woman and is stated to be physically disabled has been considered. However, such considerations, though relevant, cannot override the gravity of the allegations and the material indicating prima facie involvement in serious offences affecting property rights and public confidence in legal transactions.

40. The offences alleged are not only serious but have a wider societal impact, as they involve manipulation of legal documents and erosion of trust in the process of property transactions, where the role of legal professionals is expected to act as a safeguard rather than a facilitator of illegality.

41. In *Sanjay Chandra v. CBI*, (2012) 1 SCC 40, the Hon'ble Supreme Court has observed that grant of bail depends upon a cumulative assessment of several factors. In cases where prima facie involvement in serious offences is disclosed and there exists a reasonable apprehension of interference with the course of justice, the Court would be justified in declining bail.

42. In the present case, considering the nature of allegations, the role attributed to the Applicant, the material collected during investigation, the findings recorded by the trial court, the antecedents of the Applicant, and the aggravating circumstance of alleged misuse of professional position as an advocate, this Court is of the opinion that no case for grant of bail is made out at this stage.

ORDER

43. The bail application is rejected.

44. It is, however, clarified that the observations made herein are only for the purposes of deciding the present bail application and shall not influence the trial on merits.

(Ashish Naithani J.)
27.02.2026

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