HIGH COURT OF UTTARAKHAND AT NAINITAL

Anticipatory Bail Application No. 1086 of 2024

Rahul Singh and another .....Applicants

Versus

State of Uttarakhand .....Respondents

Present:-

Mr. Vinod Chandra, Advocate holding brief of Ms. Neetu Singh, Advocate for the applicant.
Mr. S.C. Dumka, AGA for the State.

Hon'ble Ravindra Maithani, J. (Oral)

The applicants Rahul Singh and Gulli Singh seek anticipatory bail in FIR/Case Crime No.872 of 2023 dated 23.11.2023, under Sections 420, 467, 468, 471, 504 and 506 IPC, Police Station Kotwali Jwalapur, District Haridwar.

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

3. According to the FIR, the applicants and the co-accused got a gift-deed executed from the grandmother of the informant, which was registered on 18.07.2023.

4. It is the case of the applicants that a gift-deed was executed in favour of Shiva, who is grandson of Smt. Sunehri Devi; the applicants are also grandsons of Smt. Sunehri

Devi. It is the case of the applicants that the informant has also filed a civil suit in the year 2022.

5. State was required to file objections. It has not been filed.

6. Learned State Counsel, under instructions, would submit that the applicant no. 1 has been exonerated by the Investigating Officer and the applicant no. 2 is a witness to the gift deed. He would submit that during investigation, the offences under Sections 467, 468 & 471 IPC have been deleted.

7. Since applicant no. 1 Rahul Singh has been exonerated during investigation, there is no reason to entertain his anticipatory bail application.

8. The anticipatory bail application *qua* the applicant Rahul Singh stands disposed of accordingly.

9. Having considered the entirety of facts and narrations, in so far as the anticipatory bail application of the applicant Gulli Singh is concerned, this Court is of the view that this is a case, in which the applicant Gulli Singh should be granted anticipatory bail. The instant anticipatory bail application *qua* the applicant Gulli Singh deserves to be allowed.

10. The anticipatory bail application *qua* the applicant Gulli Sing is allowed.

11. In the eventuality of arrest, the applicant Gulli Singh shall be enlarged on bail on his furnishing a personal bond with two sureties, each in the like amount, to the satisfaction of the court concerned. In addition to it, the applicant Gulli Singh shall also comply with the following conditions:-

(i) He shall not approach any witness in any manner, whatsoever.

(ii) He shall not leave the country without prior permission of the court concerned.

(iii) He shall deposit his passport with the court concerned. The passport may only be returned by the order of the court concerned. In case he does not have passport, he shall give an undertaking to that effect to the court concerned.

(iv) He shall also give an undertaking on (i) & (ii) above.

(Ravindra Maithani, J.)
17.12.2024

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