HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No. - 10678 of 2026

Smt Fozia

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s)	:	Kumar Dhananjay
Counsel for Opposite Party(s)	:	G.A.

Court No. - 70

HON'BLE RAJIV LOCHAN SHUKLA, J.

1. Heard, Learned counsel for the applicant, the Learned A.G.A. for the State and perused the record.

2. The present anticipatory bail application has been filed on behalf of the applicant in Case Crime No.231 of 2026, under Sections 351(2), 340(2), 338, 336(3), 318(4) of the B.N.S., P.S.- Noida Sector-39, District-Gautam Buddh Nagar, with a prayer to enlarge her on anticipatory bail as the applicant apprehends her arrest in the above-mentioned case.

3. Learned counsel for the applicant contends that the applicant is a lady. The allegation in the FIR is that on the basis of a forged Power of Attorney supposedly executed by the father of the informant in favour of one Mohammad Zaid, the property of the informant was allegedly being sought to be usurped by the applicant and her husband. The allegation further is that a loan of Rs. 5 crores was also obtained by the applicant over the property in question. Learned counsel for the applicant has contended that absolutely false assertions have been made in the FIR. The transfer deed / sale deed executed in favour of the applicant by the Power of Attorney holder of M.P. Gupta is a registered document, whereby a residential leasehold plot bearing No. 36, situated at Block-A, Sector-36, Noida, District Gautam Budh Nagar, measuring 310 sq. meters was transferred to the applicant and her husband. The applicant is a *bona fide* purchaser for consideration and had also obtained a loan over the property in question. The applicant is a lady having no criminal antecedents.

4. Learned A.G.A. has opposed the prayer for grant of anticipatory bail

and has contended that over the property in question, a house had been constructed by M.P. Gupta. The said house is in possession of the informant and an absolutely fake Power of Attorney supposedly executed in October, 2015 was prepared to defeat the genuine claim of the informant. Misusing the transfer deed executed in favour of the applicant and the co-accused on the basis of the fake Power of Attorney, a loan of Rs. 5 crores has also been obtained. The act of the applicant and the other accused is a well thought out conspiracy and no indulgence may be granted to the applicant.

5. I have considered the submissions made by the Learned counsel for the parties and perused the material brought on the record.

6. The applicant is a lady having no criminal antecedents. The applicant and her husband supposedly purchased the property in question through a registered transfer deed. The loan that has been obtained is being regularly paid as per the averment made in paragraph No. 26 of the affidavit accompanying the anticipatory bail application. An Original Suit being O.S. No. 206 of 2026 has been filed by the applicant and her husband seeking permanent injunction over the property in dispute.

7. Taking into account all the facts and circumstances of the case and without expressing any opinion on the merits of the case, I deem it fit to enlarge the applicant on anticipatory bail.

8. In view of the above, the anticipatory bail application of the applicant is **allowed**.

9. In the event of the arrest of the applicant **Smt Fozia**, she shall be released forthwith in the aforesaid case crime on anticipatory bail on furnishing a personal bond and surety each in the like amount to the satisfaction of the Station House Officer of the police station/Court concerned with the following conditions:-

i. the applicant shall make herself available for interrogation by a police officer as and when required;

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 her from disclosing such facts to the Court or to any police officer;

iii. that the applicant shall not leave India without the previous permission of the Court;

iv. that the applicant shall not pressurize/intimidate the prosecution witness;

10. In case of breach of any of the above conditions, the Court concerned shall be at liberty to cancel the bail.

11. It is made clear that observations made hereinabove are exclusively for deciding the instant anticipatory bail application and are not to be considered to be an opinion on the merits of the case.

(Rajiv Lochan Shukla,J.)

October 27, 2026
Sachin

Digitally signed by :-
SACHIN TIWARI
High Court of Judicature at Allahabad