

(2024) 11 UK CK 0149

Uttarakhand High Court

Case No: First Bail Application No. 1854 Of 2024

Abdul Malik

APPELLANT

Vs

State Of Uttarakhand

RESPONDENT

Date of Decision: Nov. 25, 2024

Acts Referred:

- Indian Penal Code, 1860 - Section 120B, 417, 420, 467, 468, 471

Hon'ble Judges: Ravindra Maithani, J

Bench: Single Bench

Advocate: V.K. Guglani, Manisha Rana Singh

Final Decision: Allowed

Judgement

Ravindra Maithani, J

1. Applicant is in judicial custody in FIR No. 69 of 2024, under Sections 420, 417, 120B, 467, 468, 471 IPC, Police Station Haldwani, District Nainital.

He has sought his release on bail.

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

3. According to the FIR, the Government land in the Company Bagh, Haldwani (the property) was sold on multiple occasions by illegal plotting,

illegal construction etc. The FIR makes allegations against the co-accused Safia Malik as to how did she claim the property of her own by filing

affidavits in some petitions before the Court.

4. Learned counsel for the applicant would submit that the co-accused Safia Malik has already been granted bail. The role of the applicant is not

dissimilar. In fact, it is lighter than co-accused Safia Malik. Therefore, it is a case fit for bail.

5. Learned State counsel would submit that the co-accused Safia Malik did file false affidavits in legal proceedings and those affidavits have been

prepared by the applicant. It is argued that the property was sold on multiple occasions by forging documents by the applicant and the co-accused. She

would also submit that unauthorised constructions were raised in the Government area by the applicant.

6. It is the stage of bail. Much of the discussion is not expected of. Arguments are being appreciated with the caveat that any observation made in this

order shall have no bearing at any subsequent stage of the trial or in any other proceedings.

7. There are allegations against the co-accused Safia Malik in the FIR as to how did she claim the property of her own. There are allegations against

the co-accused Safia Malik as to how she filed a false affidavit in a legal proceedings before this Court. The FIR records that the applicant and the

co-accused did illegal plotting, illegal constructions and unauthorised transfer of the property.

8. Having considered the fact that co-accused Safia Malik has already been granted bail and other attending factors, this Court is of the view that the

applicant deserves to be enlarged on bail.

9. The bail application is allowed.

10. Let the applicant be released on bail, on his executing a personal bond and furnishing two reliable sureties, each of the like amount, to the

satisfaction of the Court concerned.