

**Court No. - 2**

**Case :-** CRIMINAL MISC ANTICIPATORY BAIL  
APPLICATION U/S 438 CR.P.C. No. - 1795 of 2020

**Applicant :-** Umesh B. Sharma

**Opposite Party :-** State Of U.P. And 2 Others

**Counsel for Applicant :-** Amit Daga, Rohit Shukla

**Counsel for Opposite Party :-** G.A., Akank Kumar Jain

**Hon'ble Suneet Kumar, J.**

Heard Sri Amit Daga and Sri Rohit Shukla, learned counsels for the applicant, Sri Akank Kumar Jain, learned counsel for the informant, as well as, learned AGA for the State and perused the material placed on record.

This anticipatory bail application (under section 438 Cr.P.C.) has been moved seeking bail in Case Crime No. 577 of 2019, under sections 420, 467, 468, 471, 120-B I.P.C., P.S. Goverdhan, District Mathura, during the pendency of investigation.

The dispute, inter se, party is with regard to the administration of a trust bestowed upon the applicant by a will; it is alleged that the will is forged; the question as to whether the will is forged or a genuine document would fall within the ambit of the competent civil court. The applicant has no criminal history; it is not a case of custodial interrogation. If he is released on bail, he would not misuse the liberty of bail and would cooperate with the investigation.

I have perused the prosecution story as set up in the F.I.R. and also the anticipatory bail rejection order.

Learned AGA has opposed the prayer for anticipatory bail of the applicant.

Keeping in view the reasons as stated above, the facts and circumstances of the case as have been discussed at the Bar of this Court, without expressing any opinion on the merits of the case, considering the nature of accusation, the applicant is entitled to be released on anticipatory bail in this case.

In the event of arrest of the applicant, **Umesh B. Sharma**, involved in the aforesaid case, he shall be released on anticipatory bail on his furnishing a personal bond of Rs. 25,000/- with two sureties each in the like amount to the satisfaction of the Station House Officer of the police station

concerned with the following conditions:-

(i) the applicant will join and participate in each and every aspect of "Investigation" and will lend full assistance to the Investigating Agency even with regard to "discovery of fact" if and when required so by the Investigating Agency or the concerned court;

(ii) the applicant shall make himself available for interrogation by a police officer as and when required;

iii) 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 him from disclosing such facts to the Court or to any police office;

(iv) the applicant shall not leave India without the previous permission of the Court and if he has passport the same shall be deposited by him before the S.S.P./S.P. Concerned.

In default or misuse of any of the conditions, the Public Prosecutor/Investigating Officer/first informant-complainant is at liberty to file appropriate application for cancellation of anticipatory bail granted to the applicant.

**Order Date :- 26.2.2020**

K.K. Maurya