

**(2021) 02 J&K CK 0062**

**In the Jammu And Kashmir High Court**

**Case No :** Bail Application No. 262 Of 2020, Criminal Miscellaneous No. 1805 Of 2020

Ashok Kumar Sharma

APPELLANT

Vs

Ut Of Jammu And Kashmir

RESPONDENT

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**Date of Decision :** 25-02-2021

**Acts Referred:**

Prevention Of Corruption Act, 1988 — Section 7

**Citation :** (2021) 02 J&K CK 0062

**Hon'ble Judges :** SANJEEV KUMAR, J

**Bench :** Single Bench

**Advocate :** Ankur Sharma, Monika Kohli

**Final Decision :** Disposed Of

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**Judgement**

1 The present application has been filed by the petitioner seeking bail in anticipation of arrest in FIR No. RC0042020A0006 dated 28.09.2020

registered with CBI, Jammu under Section 7 of Prevention of Corruption Act.

2 The petitioner has sought bail in anticipation of his arrest on the grounds that he has been falsely implicated in the impugned FIR and that he has not

committed any offence. It is submitted that the petitioner has all along cooperated with the investigating agency after the registration of the case and it

is because of this reason only, the investigating agency has not felt the need to arrest the petitioner. It is further submitted that since the challan in the

case stands presented in the competent Court of law and custodial interrogation is not required, as such his arrest would serve no purpose. Lastly, it is

submitted that in case the petitioner is admitted to bail, he will abide by all the conditions that may be imposed by this Court.

3 Learned counsel for the respondents confirms that the investigation in the case

is complete and the challan stands presented in the competent Court of law.

4 I have heard learned counsel for the parties and perused the material on record.

5 Admittedly, the police did not arrest the accused during investigation which means that they did not feel the need to arrest him as he had been cooperating with them. Now, the charge-sheet in the case stands filed in the Court of competent jurisdiction. The petitioner has all along cooperated with the investigating agency after registration of the case and therefore, the custodial interrogation of the petitioner in the instant case is not necessary. In view thereof and looking to the conduct of the petitioner, it cannot be said that in case the petitioner is admitted to bail, he may flee from justice.

6 For the forgoing reasons, the petition is allowed and it is directed that in the event of the arrest of the petitioner in the impugned FIR, he shall be released on bail subject to the following conditions:

- (i) That he shall execute personal bond with one surety in the amount of Rs. 50,000/- each to the satisfaction of the trial Court.
- (ii) That he shall appear before the trial Court on each and every dates of hearing and shall not tamper with the evidence in any manner whatsoever.
- (iii) That he shall not leave the limits of Union Territory of Jammu and Kashmir without the permission of the trial Court.
- (iv) That in case he fails to comply with any of the aforesaid conditions, the concession shall stand withdrawn.

The bail application stands disposed of in the above terms.