

(2024) 03 UK CK 0039

In the Uttarakhand High Court

Case No : Anticipatory Bail Application No. 226 Of 2024

Harish Chandra Rana

APPELLANT

Vs

State Of Uttarakhand And Others

RESPONDENT

Date of Decision : 12-03-2024

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 438
Indian Penal Code, 1860 — Section 120B, 409, 420, 467, 468, 471
Prevention Of Corruption Act, 1988 — Section 13(1)(d), 13(2)
Constitution Of India, 1950 — Article 21, 226

Citation : (2024) 03 UK CK 0039

Hon'ble Judges : Alok Kumar Verma, J

Bench : Single Bench

Advocate : Ganesh Kandpal, M.K. Chand

Final Decision : Disposed Of

Judgement

Alok Kumar Verma, J

1. Present Application has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of Anticipatory Bail under Sections 409, 420, 467, 468, 471, 120B of the Indian Penal Code, 1860 and Section 13(1)(d) read with Section 13(2) of the Prevention of Corruption Act, 1988 in connection with the First Information Report No.257 of 2020, registered at police station Jaspur, District Udham Singh Nagar.

2. In the scholarship matter, a Special Investigation Team was constituted. Inspector Mr. Bheem Bhaskar Arya was a member of the said Team. He enquired the matter and lodged the First Information Report against the co-accused persons. The said First Information Report was registered on 26.07.2020.

3. Heard Mr. Ganesh Kandpal, learned counsel for applicant and Mr. M.K. Chand, learned A.G.A. for State.

4. Mr. Ganesh Kandpal, Advocate, contended that the applicant, aged about 70

years, has been falsely implicated in the present matter. He was posted only for a period of three months and nineteen days? in the District Udham Singh Nagar as District Social Welfare Officer. The institute-in-question was located outside the State of Uttarakhand. There was no provision of physical verification of the concerned students at that time. The scholarship amounts were directly transferred to the bank accounts of the concerned students. Applicant was at no fault in the process of disbursement of the scholarship. There is no evidence at all to connect the applicant with the alleged offence. He attained the age of superannuation on 30.06.2013. An interim relief was granted to him in the petition (WPCRL No.970 of 2021), filed under Article 226 of the Constitution of India. Applicant is a permanent resident of District Udham Singh Nagar, therefore, there is no possibility of his absconding. Charge-sheet has already been filed, therefore, there is no requirement of custodial interrogation.

5. Mr. M.K. Chand, learned A.G.A. for State has opposed the Anticipatory Bail Application orally. However, he has submitted that the charge-sheet has been filed, therefore, there is no need of custodial interrogation.

6. Personal liberty under Article 21 of the Constitution of India is very precious fundamental right and it should be curtailed only when it becomes imperative according to the peculiar facts and circumstances of the case.

7. In the facts and circumstances of the case, applicant- Sri Harish Chandra Rana is directed to be released on Anticipatory Bail, in the event of his arrest, on furnishing his personal bond of Rs. 30,000/- and two reliable sureties, each in the like amount on the following conditions:-

(i) Applicant shall attend the Trial court regularly and he shall not seek any unnecessary adjournment;

(ii) Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of this case.

(iii) Applicant shall not leave the country without the previous permission of the Trial Court.

8. It is clarified that if the applicant misuses or violates any of the conditions, imposed upon him, the concerned authority will be free to move the Court for cancellation of the anticipatory bail.

9. Anticipatory Bail Application (No.226 of 2024) stands disposed of accordingly.