

(2024) 05 UK CK 0022

In the Uttarakhand High Court

Case No : Second Anticipatory Bail Application No. 14 Of 2024

Mahipal

APPELLANT

Vs

State Of Uttarakhand

RESPONDENT

Date of Decision : 03-05-2024

Acts Referred:

Prevention Of Corruption Act, 1988 — Section 7A, 8
Indian Penal Code, 1860 — Section 120B, 409, 420, 466, 467, 468, 471
Constitution Of India, 1950 — Article 21

Citation : (2024) 05 UK CK 0022

Hon'ble Judges : Alok Kumar Verma, J

Bench : Single Bench

Advocate : Ankush Kumar Tyagi, Rakesh Negi

Final Decision : Disposed Of

Judgement

Alok Kumar Verma, J

1. The First Anticipatory Bail Application (ABA No.326 of 2024) was filed by the applicant seeking Anticipatory Bail under Section 7A and Section 8 of the Prevention of Corruption Act, 1988 in connection with the First Information Report No.25 of 2020, registered at police station Kunda, District Udham Singh Nagar, whereas the cognizance has also been taken against the applicant under Sections 409, 420, 466, 467, 468, 471 and Section 120B of the Indian Penal Code, 1860. Therefore, on the request of the applicant, the First Anticipatory Bail Application (ABA No.326 of 2024) was dismissed on 18.04.2024, granting him the liberty to file a fresh Anticipatory Bail Application in accordance with law.

2. The present Anticipatory Bail Application has been filed for grant of Anticipatory Bail under Sections 409, 420, 466, 467, 468, 471, Section 120B of the Indian Penal Code, 1860, Section 7A and Section 8 of the Prevention of Corruption Act, 1988.

3. The case of the prosecution is that in the scholarship scam matter, a Special

Investigation Team was constituted in compliance with the order of this Court, passed in Writ Petition No.33 of 2019. Mr. Bhim Bhaskar Arya, the Inspector, was a member of the said Special Investigation Team. He enquired the matter and lodged an FIR on 21.02.2020. Upon conclusion of the investigation, a charge-sheet has been filed against the present applicant and co-accused persons.

4. Heard Mr. Ankush Kumar Tyagi, learned counsel for the applicant and Mr. Rakesh Negi, learned Brief Holder for the State.

5. Mr. Ankush Kumar Tyagi, Advocate, contended that the applicant, who is said to be a middlemen, has been falsely implicated in the present matter. The scholarship amount was deposited directly in the bank accounts of the concerned students. He did not receive any amount of scholarship. He is not a previous convict. He was granted interim relief during the investigation by this Court in Writ Petition (Criminal) No.1523 of 2020. He has deposited Rs.75,000/- with the Social Welfare Department, Udham Singh Nagar. He is a permanent resident of District Moradabad (Uttar Pradesh), therefore, there is no possibility of his absconding. Charge-sheet has already been filed, therefore, there is no chance of tampering with the evidence.

6. Learned counsel appearing for the State has opposed the Anticipatory Bail Application orally. However, he submits that the charge-sheet has already been filed by the Investigating Officer, therefore, there is no need of custodial interrogation.

7. 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.

8. In the facts and circumstances of the case, applicant - Mahipal 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.

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

10. Second Anticipatory Bail Application (No.14 of 2024) stands disposed of accordingly.