

(2024) 02 UK CK 0015

In the Uttarakhand High Court

Case No : Anticipatory Bail Application No. 41 Of 2024

Mohammad Amzad Gazi

APPELLANT

Vs

State Of Uttarakhand And Another

RESPONDENT

Date of Decision : 14-02-2024

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 438
Prevention Of Corruption Act, 1988 — Section 7A
Constitution Of India, 1950 — Article 226

Citation : (2024) 02 UK CK 0015

Hon'ble Judges : Alok Kumar Verma, J

Bench : Single Bench

Advocate : Dharmendra Barthwal, Pratiroop Pandey

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 Section 7-A of the Prevention of Corruption Act, 1988, in connection with the Case Crime No.23 of 2020 (Special Sessions Trial No.39 of 2023), registered at police station Jaspur, District Udham Singh Nagar.

2. Heard Mr. Dharmendra Barthwal, learned counsel for the applicant and Mr. Pratiroop Pandey, learned AGA for the State.

3. Opposing the Anticipatory Bail Application orally, Mr. Pratiroop Pandey, Advocate, has submitted that the applicant is posted as Cashier in the District Co-operative Bank Ltd., Dehradun. He was a middleman. He had taken the educational certificates of the two persons who had not taken admission in the concerned institute, in order to get them scholarship.

4. On the other hand, Mr. Dharmendra Barthwal, Advocate, contended that the applicant is an innocent person. He has been falsely implicated in the present

matter. He had not taken any educational certificates from the said persons. He does not even know the said persons. He had not taken any scholarship amount. The entire scholarship amount was credited in the bank account of the said persons. Applicant is a Government Servant, therefore, there is no possibility of his absconding. He was granted interim relief in WPCRL No.216 of 2020, filed under Article 226 of the Constitution of India. He was not arrested during the investigation. Charge-sheet has already been filed, therefore, custodial interrogation is not needed.

5. In the facts and circumstances of the case, applicant – Mohammad Amzad Gazi 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.

6. 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.

7. Anticipatory Bail Application (No.41 of 2024) stands disposed of accordingly.