

(2024) 05 UK CK 0009

In the Uttarakhand High Court

Case No : Anticipatory Bail Application No. 392 Of 2024

Poonam Lata Viksit Alias Poonam Lata And Another

APPELLANT

Vs

State Of Uttarakhand

RESPONDENT

Date of Decision : 02-05-2024

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 438

Indian Penal Code, 1860 — Section 120B, 409, 420, 466, 467, 468, 471

Constitution Of India, 1950 — Article 21

Citation : (2024) 05 UK CK 0009

Hon'ble Judges : Alok Kumar Verma, J

Bench : Single Bench

Advocate : Pranav Singh, Rakesh Negi

Final Decision : Disposed Of

Judgement

Alok Kumar Verma, J

1. This Application has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of Anticipatory Bail under Sections 409, 420, 466, 467, 468, 471 and Section 120B of the Indian Penal Code, 1860 in connection with the Case Crime No.27 of 2020, registered at police station Khatima, District Udham Singh Nagar.

2. Mr. N.N. Pant, the Inspector, was appointed as a member of the Special Investigation Team in the matter of scholarship scam. The Special Investigation team was constituted in compliance of the order of this Court, passed in Writ Petition (PIL) No.33 of 2019. Mr. N.N. Pant, the Inspector, enquired the matter and lodged an FIR on 01.02.2020.

3. Heard Mr. Pranav Singh, learned counsel for applicants and Mr. Rakesh Negi, learned Brief Holder for State.

4. Mr. Pranav Singh, Advocate, contended that the institute in-question, namely, "Om Santosh ITI, Chakharati Janta Road Saharanpur (Uttar Pradesh)", was run

by a Trust, namely, "Om Santosh Educational and Social Welfare Trust". The applicant-accused Smt. Poonam Lata Viksit alias Poonam Lata, aged about 40 years, who was the Secretary of the said Trust and the applicant-accused Om Prakash, aged about 64 years, who was the Treasurer of the said Trust, have been falsely implicated in the present matter. The amount of scholarship including fee were sent by the Social Welfare Department directly in the bank accounts of the concerned students. The scholarship including fee were returned by the concerned students in the bank account of the Institute. Thereafter, the Institute returned the scholarship amounts to the concerned students while keeping the fee. Applicants were never arrested during the investigation. They were granted interim relief in WPCRL No.478 of 2020 by this Court. A sum of Rs.2,88,000/-(Rupees two lakh eighty eight thousand) was deposited by the applicants in compliance of the order of this Court, passed in the said writ petition. Applicants do not have any criminal antecedents. They are permanent resident of District Saharanpur, therefore, there is no likelihood of their absconding. The present case rests on the documentary evidence and all the relevant documents have been taken by the Investigating Officer. Charge-sheet has already been filed, therefore, there is no requirement of custodial interrogation.

5. On the other hand, Mr. Rakesh Negi, learned Brief Holder appearing for State, has opposed the Anticipatory Bail Application orally. However, he submitted that the charge-sheet has already been filed by the Investigating Officer, 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, applicants- Poonam Lata Viksit alias Poonam Lata and Om Prakash are directed to be released on Anticipatory Bail, in the event of their arrest, on furnishing their personal bond of Rs. 30,000/- and two reliable sureties, each in the like amount on the following conditions:-

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

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

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

8. It is clarified that if the applicants misuse or violate any of the conditions, imposed upon them, the concerned authority will be free to move the Court for cancellation of the anticipatory bail.

9. Anticipatory Bail Application (No.392 of 2024) stands disposed of accordingly.