

(2024) 06 UK CK 0129

In the Uttarakhand High Court

Case No : Anticipatory Bail Application No. 561 Of 2024

Shambhunath Singh And Two Others

APPELLANT

Vs

State Of Uttarakhand And Another

RESPONDENT

Date of Decision : 28-06-2024

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 438
Indian Penal Code, 1860 — Section 409, 420, 466, 467, 468, 471
Constitution Of India, 1950 — Article 21

Citation : (2024) 06 UK CK 0129

Hon'ble Judges : Alok Kumar Verma, J

Bench : Single Bench

Advocate : M.S. Pal, Vikramaditya Shah, Rakesh Negi

Final Decision : Disposed Of

Judgement

Alok Kumar Verma, J

1. This is an Application under Section 438 of the Code of Criminal Procedure, 1973 for Anticipatory Bail under Sections 409, 420, 466, 467, 468 and Section 471 of the Indian Penal Code, 1860 in connection with the Case Crime No.176 of 2024, registered at police station Sitarganj, District Udham Singh Nagar.

2. A Special Investigation Team was constituted in the scholarship scam matter in compliance with the order, passed by this Court in Writ Petition (PIL) No.33 of 2019. The Sub-Inspector Kavindra Sharma was appointed as a member of the said Special Investigation Team. He enquired the matter and lodged an FIR on 29.04.2024. Allegations have been made against the Institute, namely, Dr. Sushila Tewari Private Mahavidyalay (B.Ed), Sitarganj in the First Information Report.

3. Heard Mr. M.S. Pal, learned Senior Advocate assisted by Mr. Vikramaditya Shah, learned counsel for the applicants and Mr. Rakesh Negi, learned Brief Holder for the State.

4. Mr. M.S. Pal, learned Senior Advocate, contended that the applicant no.1 – accused Shambhunath Singh, aged about 82 years, was the owner of the said Institute. Applicant no.2 – accused Doodhnath, aged about 39 years, and, the applicant no.3 – accused Ramsakal, aged about 56 years, were clerks in the said Institute. They have been falsely implicated in the present matter. The applicant no.1 had given oral directions that he delegated all his powers and responsibilities to the Principal and other employees/ staff of the Institute. Applicant no.1 had not issued any cheque of the scholarship amount. The Principal of the Institute had disbursed the scholarship amount through cheques to the concerned students. Five concerned students submitted their affidavits claiming that they have received the scholarship amount. Applicants are permanent residents of District Azamgarh (Uttar Pradesh). Applicants do not have any criminal antecedents. One co-accused, namely, Ajay Kumar Singh has already been granted anticipatory bail by this Court. Applicants undertake that they will cooperate with the Investigating Agency.

5. Mr. Rakesh Negi, Advocate, has opposed the Anticipatory Bail Application orally.

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 – Shambhunath Singh, Doodhnath and Ramsakal 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 cooperate with the Investigating Agency and they shall make themselves available at the time of interrogation by the Investigating Agency as and when requires;

(ii) In this matter, if charge-sheet is filed, applicants shall attend the Trial Court regularly and they shall not seek any unnecessary adjournment;

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

(iv) 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 prosecution agency will be free to move the Court for cancellation of the anticipatory bail.

9. Anticipatory Bail Application (No.561 of 2024) stands disposed of accordingly.