

(2024) 07 UK CK 0033

In the Uttarakhand High Court

Case No : Anticipatory Bail Application No. 562 Of 2024

Shambhunath Singh And Two Others

APPELLANT

Vs

State Of Uttarakhand And Another

RESPONDENT

Date of Decision : 03-07-2024

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) 07 UK CK 0033

Hon'ble Judges : Alok Kumar Verma, J

Bench : Single Bench

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

Final Decision : Disposed Of

Judgement

Alok Kumar Verma, J

1. The present Application has been filed 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 First Information Report No.177 of 2024, registered at police station Sitarganj, District Udham Singh Nagar.

2. Sub-Inspector Kavindra Sharma was a member of the Special Investigation Team. The 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. Sub-Inspector Kavindra Sharma enquired the matter and lodged an FIR on 29.04.2024. Allegations have been made against the Institute, namely, Dr. Sushila Tewari Private Mahavidyalay, Sitarganj in the First Information Report.

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

4. Mr. M.S. Pal, learned Senior Advocate, contended that the applicants have been falsely implicated in the present matter. 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. Applicant no.1 had given oral directions that he delegated all his powers, responsibilities and liabilities to the Principal and other employees 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. The concerned students had received the scholarship amount. Applicants had not received any amount of the scholarship. They are not previous convict. They are permanent residents of District Azamgarh (Uttar Pradesh). They undertake that they will cooperate with the Investigating Officer, and, co-accused Ajay Kumar Singh had already been granted Anticipatory Bail by this Court.

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 the present 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.562 of 2024) stands disposed of accordingly.