

**HIGH COURT OF UTTARAKHAND AT NAINITAL  
ORIGINAL JURISDICTION**

Dated: Nainital the 31<sup>st</sup> October, 2008

**Bail Application No. 834 of 2008**

Order on the bail application of the accused

Devendra Datt S/o Late Chandi Prasad                      .....                      Applicant

**Versus**

State of Uttarakhand    .....                      Opposite Party

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Case Crime No. 1858 of 2008  
U/s 419, 420, 468 and 471 I.P.C.  
Police Station New Tehri  
District Tehri Garhwal

**Hon'ble J.C.S. Rawat, J.**

Heard Mr. Alok Singh, Senior Advocate assisted by Mr. D.C.S. Rawat, Advocate for the applicant; Mr. Nandan Arya, A.G.A. for the State; and perused the record.

Learned counsel for the accused/applicant contended that the accused/applicant has been charged u/s 419, 420, 468 and 471 I.P.C. whereas the chargesheet specifically contains that the matter has been referred for obtaining the sanction u/s 12 (b) of the Passport Act; the Passport Act is a Special Act which deals with the offences pertaining to the passport whereas the provisions of the I.P.C. are of general nature; the present offence has been made punishable u/s 12-1 (b) of the Passport Act; the Act being a specific Act whereas the provisions of the I.P.C. are of general provision for the same offence; the provisions of the Passport Act would prevail upon the general law; and the offence is bailable under the passport Act.

Considering the submissions of the learned counsel for the parties; the facts and circumstances of the case; and the law laid down by the Hon'ble Apex Court in the case of **Suresh Nanda Vs. Central Bureau of Investigation** reported in (2008) 3 SCC p/674 in para 10 and 11, I deem it fit and proper to release the applicant on bail.

Let the accused/applicant be released on bail on executing a personal bond and two sureties each in the like amount to the satisfaction of Magistrate concerned.

**(J.C.S. Rawat, J.)**

Dated 31.10.2008  
Shiv