

IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

THE HON'BLE SRI JUSTICE ALOK KUMAR VERMA

31st DECEMBER, 2021

FIRST BAIL APPLICATION No. 3133 of 2021

Between:

Anurag Shankhdhar.

...Applicant

and

State of Uttarakhand.

...Respondent

Counsel for the Applicant : Mr. Navneet Kaushik.

Counsel for the Respondent: Mr. V.K. Jemini, learned
Deputy Advocate General
assisted by Ms. Lata Negi,
learned Brief Holder for the
State.

Hon'ble Alok Kumar Verma,J.

This Bail application has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in connection with FIR No.404 of 2020, registered with Police Station Jaspur, District Udham Singh Nagar for the offence under Sections 409, 420, 466, 467, 468, 471, 120-B of IPC and Section 13 (1) (d) read with Section 13 (2) of the Prevention of Corruption Act, 1988.

2. In the scholarship scam, in compliance of the order of this High Court, passed in Writ Petition (PIL) No.33 of 2019, a Special Investigation Team was constituted. Mr. Bhim Bhaskar Arya, Inspector, was appointed as a member of the said Special Investigation Team. After enquiry, Mr. Bhim Bhaskar Arya, the Inspector, lodged an FIR on 28.11.2020 against the co-accused persons.

3. Heard Mr. Navneet Kaushik, the learned counsel for the applicant and Mr. V.K. Jemini, the learned Deputy Advocate General assisted by Ms. Lata Negi, the learned Brief Holder for the State.

4. Mr. Navneet Kaushik, the learned counsel for the applicant, submitted that at the relevant point of time, the applicant was the District Social Welfare Officer, Udham Singh Nagar; he was not named in the FIR; the matter in dispute pertains to the year 2014-15; the Institute-in-question was situated in the State of Haryana; at the relevant point of time, there was no provision for physical verification of the Institutes, which were situated outside of the State of Uttarakhand; the applicant had verified the applications of the concerned students and after verification, the scholarship were disbursed to the concerned students in accordance with law; the applicant is a resident of District Dehradun and he is in custody since 10.11.2021.

5. Mr. V.K. Jemini, the learned Deputy Advocate General, opposed the bail application and submitted that the applicant had violated the Government Order dated 25.07.2006. He submitted that no departmental enquiry has been initiated against the applicant. He further submitted that it is not clear at this stage of the investigation, whether any of the scholarship amount was received by the applicant and if it was received, how much was received.

6. Bail is the rule and committal to jail is an exception. Refusal of bail is a restriction on the personal liberty of the individual, guaranteed under Article 21 of the Constitution of India. The object of keeping the accused person in detention during the investigation is not punishment. The main purpose is manifestly to secure the attendance of the accused.

7. Having considered the submissions of learned counsel for both the parties and in the facts and circumstances of the case, there is no reason to keep the applicant behind the

bars for an indefinite period, therefore, without expressing any opinion as to the merit of the case, this Court is of the view that the applicant deserves bail at this stage.

8. The bail application is allowed.

9. Let the applicant Anurag Shankhdhar be released on bail on his executing a personal bond and furnishing two reliable sureties, each in the like amount, to the satisfaction of the court concerned with the following conditions :-

i) the applicant shall make himself available for interrogation by the Investigating Officer as and when requires;

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

10. It is clarified that if the applicant misuses or violates any of the conditions, imposed upon him, the Investigating Officer will be free to move the court for cancellation of bail.

ALOK KUMAR VERMA, J.

Dated: 31st December, 2021
Pant/