

**IN THE HIGH COURT OF UTTARAKHAND**  
**AT NAINITAL**

THE HON'BLE SRI JUSTICE ALOK KUMAR VERMA

**25<sup>th</sup> FEBRUARY, 2022**

**FIRST BAIL APPLICATION No. 3154 of 2021**

Between:

Anurag Shankhdhar.

...Applicant

and

State of Uttarakhand.

...Respondent

Counsel for the Applicant : Mr. Navneet Kaushik.

Counsel for the Respondent: Mr. T.C. Agarwal, learned  
Deputy Advocate General  
assisted by Mr. P.S. Uniyal,  
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 Case Crime/FIR No.31 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. N.N. Pant, Inspector, was appointed as a member of the said Special Investigation Team. After enquiry, Mr. N.N. Pant, the Inspector, lodged an FIR on 27.01.2020 against the co-accused persons.

**3.** Heard Mr. Navneet Kaushik, the learned counsel for the applicant and Mr. T.C. Agarwal, the learned Deputy Advocate General assisted by Mr. P.S. Uniyal, 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; 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. The charge-sheet has already been filed, therefore, there is no chance of tampering with the evidence.

**5.** Mr. T.C. Agarwal, the learned Deputy Advocate General, opposed the bail application and submitted that the applicant had violated the Government Order dated 25.07.2006. However, he submitted that no departmental enquiry has been initiated against the applicant. He further submitted that it is not clear at this stage, 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 trial 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 attend the trial court regularly and he shall not seek any unnecessary adjournment;

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 prosecution will be free to move the Court for cancellation of bail.

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**ALOK KUMAR VERMA, J.**

Dated: 25<sup>th</sup> February, 2022  
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