

IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

THE HON'BLE SRI JUSTICE ALOK KUMAR VERMA

22nd MARCH, 2024

BAIL APPLICATION NO. 515 of 2024

Anil Kumar alias Anil Ojasvi ...Applicant

Versus

State of Uttarakhand ...Respondent

Counsel for the Applicant : Mr. Pranav Singh, Advocate.

Counsel for the State : Ms. Manisha Bhandari,
Special Counsel.

Hon'ble Alok Kumar Verma,J.

This Application under Section 439 of the Code of Criminal Procedure, 1973 has been filed for grant of regular bail in connection with the Case Crime No.12 of 2023, registered at police station Kankhal, District Haridwar.

2. The applicant- Anil Kumar alias Anil Ojasvi is in judicial custody under Sections 409, 420, 120B of the Indian Penal Code, 1860, Section 9, Section 10 of the Uttar Pradesh Public Examinations (Prevention of Unfair Means) Act, 1998 (as applicable in the State of Uttarakhand), Section 8 and Section 12 of the Prevention of Corruption Act, 1988.

3. As per the First Information Report, Mr. Pradeep Singh Rana, the Inspector, received an information on 12.01.2023 that several persons were involved in a scam related to paper leak for the post of Patwari/Lekhpal. The said examinations were conducted on 08.01.2023. The

First Information Report was registered against co-accused persons.

4. Heard Mr. Pranav Singh, learned counsel for the applicant and Ms. Manisha Bhandari, learned Special Counsel for the State.

5. Opposing the Bail Application, Ms. Manisha Bhandari, Advocate, submitted that during the course of the investigation, it was found that the present applicant along with co-accused-David, Sunil Saini and Abhay Ram had taken 20-25 candidates to Dynamic ITI, situated in village Kalsia, District Saharanpur (Uttar Pradesh) and got the leaked paper solved.

6. Mr. Pranav Singh, Advocate, contended that the present applicant has been falsely implicated in the present matter. Co-accused persons of the similar role have been granted regular bail by this Court. Applicant is not a previous convict. He is a permanent resident of District Saharanpur (Uttar Pradesh), therefore, there is no chance of his absconding. Charge-sheet has already been filed, and, applicant is in judicial custody since 23.10.2023.

7. Having considered the submissions of learned counsel for both the parties and in the facts and circumstances of the case, no reason is found 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 – Anil Kumar alias Anil Ojasvi, 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 on the following conditions: -

i) Applicant shall attend the Trial Court regularly and he shall not seek any unnecessary adjournment;

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

(iii) Applicant shall not leave the country without the previous permission of the Trial Court.

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

ALOK KUMAR VERMA, J.

Dt: 22.03.2024
Shiksha