

IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

THE HON'BLE SRI JUSTICE ALOK KUMAR VERMA

30th APRIL, 2024

ANTICIPATORY BAIL APPLICATION NO.120 of 2021

Anurag Shankhdhar

.....Applicant

Versus

State of Uttarakhand

.....Respondent

Counsel for the Applicant : Mr. Navneet Kaushik,
Advocate.

Counsel for the State : Mr. M.K. Chand,
A.G.A.

Hon'ble Alok Kumar Verma,J.

Present Application under Section 438 of the Code of Criminal Procedure, 1973 has been filed for grant of Anticipatory Bail under Sections 409, 420, 466, 467, 468, 471, 120-B of the Indian Penal Code, 1860 and Section 13 (1) (d) read with Section 13 (2) of the Prevention of Corruption Act, 1988 in connection with the First Information Report No. 4 of 2020, registered at police station Kelakhera, District Udham Singh Nagar.

2. In the scholarship scam matter, a Special Investigation Team was constituted in compliance with the order of this Court, passed in Writ Petition No.33 of 2019. Mr. J.B. Joshi, the Inspector, was appointed as a member of the said Special Investigation Team. He inquired the matter and lodged an FIR on 05.01.2020.

3. Heard Mr. Navneet Kaushik, learned counsel for the applicant and Mr. M.K. Chand, learned A.G.A., for the State.

4. Mr. Navneet Kaushik, Advocate contended that the applicant, who was posted as District Social Welfare Officer, District Udham Singh Nagar from 27.05.2014 till 02.12.2015, has been falsely implicated in the present matter. The scholarship amounts were disbursed to the concerned students by means of account payee cheques. There was no policy prior to 15.07.2015 for physical verification of the concerned students, studying in the institute, located outside the State of Uttarakhand. The institute-in-question was located in the District Jhajjar, Haryana. Applicant is not a previous convict. He has retired on 31.05.2023. He is a permanent resident of District Dehradun, therefore, there is no chance of his absconding. He has been granted interim anticipatory bail, and, the conditions of the said interim anticipatory bail have not been misused by him. The present case rests on the documentary evidence and all the relevant documents are in the possession of the Investigating Officer. Investigating Officer has already filed a charge-sheet, therefore, there is no chance of tampering with the evidence.

5. On the other hand, Mr. M. K. Chand, A.G.A. has opposed the Anticipatory Bail Application. However, he submitted that the charge-sheet has been filed by the Investigating Officer, therefore, there is no requirement of custodial interrogation.

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, applicant- Anurag Shankhdhar is directed to be released on Anticipatory Bail, in the event of his arrest, on furnishing his personal bond of Rs. 30,000/- and two reliable sureties, each in the like amount 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.

8. 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 the anticipatory bail.

9. Anticipatory Bail Application (No.120 of 2021) stands disposed of accordingly.

ALOK KUMAR VERMA, J.

Dt: 30.04.2024
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