

HIGH COURT OF UTTARAKHAND AT NAINITAL

Anticipatory Bail Application No. 992 of 2024

Jabir Mian

...Applicant

Versus

State of Uttarakhand

...Respondent

Present:-

Mr. Mahavir Kohli, Advocate for the applicant.
Ms. Manisha Rana Singh, D.A.G. for the State.

Hon'ble Ravindra Maithani, J. (Oral)

Applicant seeks anticipatory bail in Case Crime No. 29 of 2023, under Sections 420, 406 & 120 B IPC, Section 3/21(3) Banning of Unregulated Deposits Scheme Act, 2019 and Section 3 of the Uttarakhand Protection of Interest of Depositors (In Financial Establishments) Act, 2005, Police Station Cantt. District Dehradun.

2. Heard learned counsel for the parties and perused the record.

3. According to the FIR, in the case, Sarvottam Agro Cooperative Society ("the company") induced various persons to invest money in their company assuring higher returns, but returns were never paid.

4. Learned counsel for the applicant submits that the applicant is not named in the FIR; he has nothing to do with the company; he was shown Director sometimes in 2015-16, while purchasing some property. But, he was not Director thereafter. He is ready to cooperate with the investigation. In this case, the Investigating Officer never approached him. No money was ever received in the account of the applicant. He is innocent.

5. Learned State counsel submits that the only evidence against the applicant is that he was shown Director of the company in some purchase record of the company in the year 2015-16. She submits that the Investigating Officer has once visited the place of the applicant, but he was not found. Therefore, non bailable warrants were issued against him and process under 82 of the Code of Criminal Procedure, 1973 has also been obtained.

6. Generally, when the non bailable warrants are issued, anticipatory bail application are not entertained, but mere issuance of these processes are also does not create any bar in entertaining anticipatory bail application.

7. Having considered the entirety of facts, this Court is of the view that this is a case fit for anticipatory bail.

8. The anticipatory bail application is allowed.

9. In the eventuality of arrest, the applicant shall be enlarged on anticipatory bail subject to his furnishing a personal bond with two sureties, each in the like amount, to the satisfaction of the Arresting Officer ("AO"). In addition to it, the applicant shall also comply with the following conditions:

- (i) The applicant shall co-operate with the investigation.
- (ii) The applicant shall not approach any witness in any manner, whatsoever.
- (iii) The applicant shall not leave the country without prior permission of the concerned court.
- (iv) The applicant shall deposit his passport with the AO. The passport may only be returned by the order of the court concerned. In case the applicant does not have passport, he shall give an undertaking to that effect to the AO.

- (v) The applicant shall also give an undertaking on (i), (ii) & (iii) above.

(Ravindra Maithani, J.)
31.07.2025

Jitendra