

IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

THE HON'BLE SRI JUSTICE ALOK KUMAR VERMA

29th DECEMBER, 2023

ANTICIPATORY BAIL APPLICATION NO. 49 of 2022

Devendra Pal Singh

.....Applicant

Versus

State of Uttarakhand

...Respondent

Counsel for the Applicant : Mr. Kamlesh Budhlakoti,
Advocate, holding brief of Mr.
Nandan Arya, Advocate.

Counsel for the State : Mr. V.K. Jemini, Deputy Advocate
General.

Hon'ble Alok Kumar Verma,J.

The present Application has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of Anticipatory Bail under Sections 420, 466, 467, 468, 471, 120B, 409 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 Case Crime No.42 of 2019 (Special Sessions Trial No.14 of 2021), registered at police station Bhimtal, District Nainital.

2. The case of the prosecution is that a Special Investigation Team was constituted in compliance with the order of this Court, passed in Writ Petition (PIL) No.33 of 2019. Sub-Inspector Dan Singh Mehta was a member of the said Team. He enquired the matter. After enquiry, he lodged an FIR on 26.09.2019. Upon conclusion of the investigation, charge-sheet was filed.

3. Heard Mr. Kamlesh Budhlakoti, learned counsel holding brief of Mr. Nandan Arya, learned counsel for the applicant and Mr. V.K. Jemini, learned Deputy Advocate General for the State.

4. Opposing the Anticipatory Bail Application, learned counsel for the State submitted that the present applicant was the Director of Monad University as well as the authorized signatory of the bank accounts of the said University, in which the scholarship money was received and withdrawn. The act of the applicant caused a loss of Rs.20,63,900/- to the Government Exchequer.

5. On the other hand, Mr. Kamlesh Budhlakoti, Advocate, contended that the applicant, aged about 70 years, has been falsely implicated in the present matter. He has not misappropriated any amount of the scholarship. He was not a beneficiary. He was granted relief by this Court in WPCRL No.1343 of 2020. He has been granted Interim Anticipatory Bail in the present matter. He is a permanent resident of District Ghaziabad (Uttar Pradesh), therefore, there is no possibility of his absconding. He is not a previous convict, and, the charge-sheet has already been filed, therefore, there is no need of custodial interrogation.

6. Learned counsel for the State has fairly conceded that the custodial interrogation is not needed.

7. 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.

8. In the facts and circumstances of the case, applicant-Devendra Pal Singh 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.

9. It is clarified that if the applicant misuses or violates any of the conditions, imposed upon him, the concerned authority will be free to move the Court for cancellation of the anticipatory bail.

10. Anticipatory Bail Application (No.49 of 2022) stands disposed of accordingly.

Dated 29.12.2023
Pant/

ALOK KUMAR VERMA, J.