

IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

THE HON'BLE SRI JUSTICE ALOK KUMAR VERMA

28TH DECEMBER, 2023

ANTICIPATORY BAIL APPLICATION NO. 112 of 2023

Deepak Chandra.

.....Applicant

Versus

State of Uttarakhand and Others.

.....Respondents

Counsel for the Applicant : Mr. Sharang Dhulia,
Advocate.

Counsel for the Respondents: Mr. M.A. Khan, A.G.A.
assisted by Mr. Rakesh
Negi, Brief Holder.

Hon'ble Alok Kumar Verma,J.

Present Application has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of Anticipatory Bail under Sections 120 B, 409, 420, 466, 467, 468, 471 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.111 of 2020, registered at police station Kashipur, District Udham Singh Nagar.

2. A Special Investigation Team was constituted in compliance with the order of this Court, passed in Writ Petition (PIL) No.33 of 2019. Inspector-G.B. Joshi was a member of the said Team. He enquired the matter. After enquiry, he lodged an FIR on 01.03.2020 against the co-accused persons. After completion of the investigation, a charge-sheet was filed.

3. Heard Mr. Sharang Dhulia, learned counsel for applicant and Mr. M.A. Khan, learned A.G.A. assisted by Mr. Rakesh Negi, learned Brief Holder for State.

4. Opposing the Anticipatory Bail Application, Mr. M.A. Khan, learned A.G.A. appearing for the State, submitted that the applicant was a Bank Manager of Mini Bank, Kundershwari. He conspired with the co-accused persons and opened the accounts of the students in his bank without their knowledge. The scholarship amount received in the students' accounts was transferred to the bank accounts of the offending Institute (Vivekanand College of Education, Revari, Haryana).

5. On the other hand, Mr. Sharang Dhulia, Advocate, appearing for the applicant, contended that the applicant was working as a clerk in the said bank. He was not named in the First Information Report. All the allegations in the charge-sheet are totally false and frivolous as the applicant opened all the bank accounts on the directions of his superiors. He did not receive any amount from any person. He was not a beneficiary. He is an employee of the bank, therefore, there is no chance of his absconding. Charge-sheet has already been filed, therefore, there is no need of custodial interrogation.

6. Mr. M.A. Khan, learned A.G.A., has fairly conceded that the Investigating Officer does not want to interrogate the applicant.

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- Deepak Chandra 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.112 of 2023) stands disposed of accordingly.

ALOK KUMAR VERMA, J.

Dt:28.12.2023
Neha