

IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

THE HON'BLE SRI JUSTICE ALOK KUMAR VERMA

19th DECEMBER, 2023

ANTICIPATORY BAIL APPLICATION NO. 153 of 2022

Ramesh Agrawal Applicant

Versus

State of Uttarakhand. Respondent

Counsel for the Applicant : Mr. Nandan Arya,
Advocate.

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

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 420, 409, 467, 468, 471 and Section 120B of the Indian Penal Code, 1860 in connection with the Case Crime No. 285 of 2019, registered at police station Jaspur, 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. Informant-Shyam Lal Vishwakarma, the Sub-Inspector, was a member of the said Special Investigation Team. In the enquiry, conducted by him with the Inspector-Bheem Bhaskar Arya, the member of the Special Investigation Team, it was found that Kumari Rashi, Mukesh Kumar, Minakshi, Rupesh Kumar, Ankit Kumar and Kumari Varsha had not taken admission in Monad University, Hapur, Uttar Pradesh. The owner, manager, officers and employees of the said University had conspired with the officers and

employees of the Social Welfare Department, Jaspur, District Udham Singh and had obtained scholarship of Rs. 4,77,800/- in the name of the said persons.

3. An FIR was lodged on 15.10.2019. Upon conclusion of the investigation, a charge-sheet was filed against the present applicant and co-accused persons.

4. Heard Mr. Nandan Arya, learned counsel for the applicant and Mr. V.K. Jemini, learned Deputy Advocate General for the State.

5. Mr. Nandan Arya, Advocate, contended that the applicant, aged about 58 years, has been implicated in the present matter. All the students including the said six students had taken admission in different courses. The District Social Welfare Officer, Udham Singh Nagar issued the account payee cheques in the name of the students. The said cheques were deposited in the account of the concerned students in Zila Sahkari Bank, Hapur and only fee of the students were transferred in the account of Monad University. In support of the said submissions, copies of the list of the students have been filed by the applicant.

6. Mr. Nandan Arya, Advocate, further submitted that the applicant is a permanent resident of Delhi, therefore, there is no chance of his absconding. He is not a previous convict. The charge-sheet has already been filed, so there is no need of custodial interrogation.

7. Learned counsel appearing for the State has opposed the Anticipatory Bail Application. However, he submitted that a charge-sheet has already been submitted, therefore, there is no need of custodial interrogation.

8. 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.

9. In the facts and circumstances of the case, applicant- Ramesh Agrawal 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.

10. 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.

11. Anticipatory Bail Application (No. 153 of 2022) stands disposed of accordingly.

ALOK KUMAR VERMA, J.

Dt: 19.12.2023
Shiksha