

IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

THE HON'BLE SRI JUSTICE ALOK KUMAR VERMA

26TH DECEMBER, 2023

ANTICIPATORY BAIL APPLICATION NO.182 of 2022

Rajesh Kumar Aggarwal Applicant

Versus

State of Uttarakhand. Respondent

Counsel for the Applicant : Mr. Arvind Vashisth, Senior Advocate assisted by Mr. Hemant Mahra, Advocate holding brief of Mr. Ajay Joshi, Advocate.

Counsel for the State : Mr. M.A. Khan, A.G.A.

Counsel for the prosecutrix : Mr. Sagar Kothari, Advocate

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 365, 368, 323, 195, 504, 506, 34 and Section 120B of the Indian Penal Code, 1860 in connection with the Case Crime No.310 of 2020, registered at police station Kotwali, District Haridwar.

2. Heard Mr. Arvind Vashisth, learned Senior Advocate assisted by Mr. Hemant Mahra, learned counsel holding brief of Mr. Ajay Joshi, learned counsel for the applicant, Mr. M.A. Khan, learned A.G.A. for the State and Mr. Sagar Kothari, learned counsel for the prosecutrix.

3. It is an admitted fact between the parties that an FIR was lodged by the prosecutrix against two persons in connection with the rape of her. After completion of the investigation, a closure report was filed. Further investigation was conducted on the direction of the concerned Magistrate. The said rape case has been converted into a case of abduction. The original accused persons have been exonerated and the charge sheet has been filed against whom there was no allegation in the First Information Report.

4. Mr. Arvind Vashisth, Senior Advocate, contended that the applicant, aged about 53 years, is working as a Professor in National Institute of Technology (NIT), Kurukshetra. He has been falsely implicated in the present matter by the prosecutrix. He does not have any criminal antecedences. Charge-sheet has already been filed, therefore, there is no need of custodial interrogation. Present applicant has been granted interim anticipatory bail in the present matter, and, three co-accused persons of similar role have been granted regular bail by this Court.

5. Mr. Sagar Kothari, Advocate has opposed the anticipatory bail application saying that non-bailable warrant has been issued by the Trial Court against the present applicant.

6. Mr. M.A. Khan, A.G.A. appearing for the State, has opposed the Anticipatory Bail Application. However, he has submitted that the applicant has no criminal history, and, the

charge-sheet has already been filed, therefore, custodial interrogation of the applicant is not needed.

7. In the facts and circumstances of the case, applicant-Rajesh Kumar Aggarwal 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 concerned authority will be free to move the Court for cancellation of the anticipatory bail.

9. Anticipatory Bail Application (No.182 of 2022) stands disposed of accordingly.

ALOK KUMAR VERMA, J.

Dt:26.12.2023
JKJ/Neha