

IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

THE HON'BLE SRI JUSTICE ALOK KUMAR VERMA

29th DECEMBER, 2023

ANTICIPATORY BAIL APPLICATION NO. 1157 of 2023

Ashwani Kumar Kamboj

.....Applicant

Versus

State of Uttarakhand

...Respondent

Counsel for the Applicant : Mr. Lalit Sharma,
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 409, 420, 467, 468, 471 and Section 120B of the Indian Penal Code, 1860 in connection with the First Information Report No.26 of 2020 (Criminal Case No.1217 of 2023), registered at police station Tehri, District Tehri Garhwal.

2. Heard Mr. Lalit Sharma, learned counsel for the applicant and Mr. V.K. Jemini, learned Deputy Advocate General for the State.

3. Mr. Lalit Sharma, Advocate, contended that the applicant, aged about 57 years, has been falsely implicated in the present matter. The Institute in-question namely, "Swami Vivekanand Polytechnic College", is being run by "Swami Vivekanand Educational Trust" and the applicant is one of the trustee as well as the Chairman of the said Trust. But, Mr. Yogendra Singh Kamboj (co-accused) was looking day-to-day affairs of the said College. Applicant was not named in the First Information Report. Charge-sheet has not been submitted against the present applicant. However, the learned Magistrate has taken cognizance for the said offences against the present applicant.

4. Mr. Lalit Sharma, Advocate, further contended that the applicant is a permanent resident of District Dehradun, therefore, there

is no possibility of his absconding. He is not a previous convict, and, there is no need of custodial interrogation.

5. Learned counsel for the State on instruction submitted that the charge-sheet was not filed against the present applicant, therefore, objection(s) to the Anticipatory Bail Application is not needed, and, Investigating Officer does not want to interrogate the applicant.

6. 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.

7. In the facts and circumstances of the case, applicant-Ashwani Kumar Kamboj 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.1157 of 2023) stands disposed of accordingly.

ALOK KUMAR VERMA, J.

Dated 29.12.2023
Pant/