

HIGH COURT OF UTTARAKHAND AT NAINITAL

Anticipatory Bail Application No. 972 of 2024

Nawaz Abbassi

...Applicant

Versus

State of Uttarakhand

...Respondent

Present:-

Mr. Rajveer Singh, Advocate for the applicant through video conferencing.

Mr. S.C. Dumka, AGA for the State.

Mr. Bilal Ahmed, Advocate for the informant.

Hon'ble Ravindra Maithani, J.

Applicant seeks anticipatory bail in FIR No. 471 of 2024, under Sections 384, 465, 471, 506 IPC, P.S. SIDCUL, District Haridwar.

2. Heard learned counsel for the parties and perused the record.

3. According to the FIR, the applicant gave a false report in the name of the informant levelling allegations against one Ahshan Ansari. Thereafter, the applicant threatened the informant that in case he is not given money, he would pursue the matter and would ensure that the informant is sent behind the bars.

4. It is the case of the applicant that he has never demanded any money; no offence under Section 384 IPC is made out, even if the averments made in the FIR are accepted in its entirety.

5. Learned State Counsel would submit that the applicant is not cooperating with the investigation; he was summoned to record his statement, but he did not turn up.

6. Learned counsel for the informant would submit that the applicant is a criminal; various cases are lodged against him; he is not cooperating with the investigation.

7. In reply to it, learned counsel for the applicant would submit that the Investigating Officer is not recording his statement; he wants to thrash up the applicant in the police station, therefore, he filed a petition being WPCRL No. 1322 of 2024 in the Court seeking transfer of the Investigation because the Investigating Officer is not recording his statement.

8. Why the Investigating Officer cannot record the statement of the applicant either telephonically or through video conferencing? Even otherwise, if it is not possible, the Investigating Officer could indicate a date and time when the statement of the applicant can be recorded and the applicant may join the proceedings.

9. Having considered, this Court is of the view that this is a case, in which the applicant should be granted anticipatory bail. The instant anticipatory bail application deserves to be allowed.

10. The anticipatory bail application is allowed.

11. In the eventuality of arrest, the applicant shall be enlarged on bail on his furnishing a personal bond with two sureties, each in the like amount, to the satisfaction of

the Arresting Officer (“AO”). In addition to it, the applicant shall also comply with the following conditions:-

- (i) The applicant shall co-operate with the investigation.
- (ii) The applicant shall not approach any witness in any manner, whatsoever.
- (iii) The applicant shall not leave the country without prior permission of the court concerned.
- (iv) The applicant shall deposit his passport with the AO. The passport may only be returned by the order of the court concerned. In case the applicant does not have passport, he shall give an undertaking to that effect to the AO.
- (v) The applicant shall also give an undertaking on (i), (ii) & (iii) above.

(Ravindra Maithani, J.)
17.12.2024