



SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<u>ABA/526/2023</u> Aabad Malik and Others --Applicants Versus State Of Uttarakhand --Respondent <u>Hon'ble Alok Mahra, J.</u> Mr. Susheel Kumar, learned counsel holding brief of Mr. Gaurav Singh, learned counsel for the applicants. Mr. Pramod Tiwari, learned A.G.A. for the State of Uttarakhand. 2. By means of the present application, the applicants seek grant of anticipatory bail in connection with Case Crime No. 276 of 2023, registered at Police Station Bhadrabad, District Haridwar, for the offence punishable under Section 420 of the Indian Penal Code, 1860. 3. Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the present case. It is submitted that the investigation has since been concluded and the charge-sheet has been filed only against applicant nos. 1, 2, 3 and 4, whereas no incriminating material has been found against applicant no. 5, who has consequently been exonerated during the course of investigation. 4. Learned counsel for the applicants further submits that no material has been brought on record by the prosecution to demonstrate that the custodial interrogation of applicant nos. 1 to 4 is either necessary or warranted at this stage after submission of the charge-sheet. It is further submitted that although certain additional penal provisions have subsequently been incorporated, the



		applicants were never arrested during the course of investigation. It is, therefore, prayed that anticipatory bail be granted to applicant nos. 1 to 4. 5. Learned State Counsel, on instructions, does not dispute the aforesaid factual position and has no objection to the prayer made on behalf of applicant nos. 1 to 4. 6. Having heard learned counsel for the parties, perused the material available on record, and considered the rival submissions, this Court finds that the investigation has culminated in the submission of the charge-sheet only against applicant nos. 1 to 4, whereas applicant no. 5 has been exonerated during the course of investigation as no incriminating material has been found against him. It is also not the case of the prosecution that the custodial interrogation of applicant nos. 1 to 4 is required at this stage. Significantly, despite the filing of the charge-sheet and the subsequent addition of certain penal provisions, applicant nos. 1 to 4 were never arrested during the course of investigation. This circumstance clearly indicates that their custodial interrogation is not considered necessary by the investigating agency. Having regard to the nature of the allegations, the stage of the proceedings, and the overall facts and circumstances of the case, and without expressing any opinion on the merits of the prosecution case, this Court is of the considered opinion that applicant nos. 1 to 4 have made out a fit case for grant of anticipatory bail. 7. Accordingly, the present anticipatory bail application is allowed in respect of applicant nos. 1 to 4. 8. In the event of arrest, applicant nos. 1 to 4 shall be released on anticipatory bail on furnishing a personal bond in the sum of Rs. 50,000/- (Rupees Fifty Thousand only) each with two reliable sureties of the
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			like amount each to the satisfaction of the Court concerned. 9. Insofar as applicant no. 5 is concerned, in view of his exoneration during the course of investigation and no charge-sheet having been submitted against him, no further orders are required to be passed in the present anticipatory bail application. Accordingly, the application, insofar as it relates to applicant no. 5, stands disposed of. (Alok Mahra, J.) 27-07-2026  SBHA BINJOLA
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