

HIGH COURT OF UTTARAKHAND AT NAINITAL

Anticipatory Bail Application No.1201 of 2024

Akil Ahamad

...Applicant

Versus

State of Uttarakhand

...Respondent

Present:-

Mr. Mani Kumar, Advocate for the applicant.

Mr. V.S. Rawat, A.G.A. for the State.

Hon'ble Ravindra Maithani, J. (Oral)

Applicant seeks anticipatory bail in FIR No. 104 of 2019, under Sections 379, 411, 420, 467, 468, 471, 120-B IPC and Section 26 of the Forest Act, 1927, Police Station Gadarpur, District Udham Singh Nagar.

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

3. Learned counsel for the applicant submits that the co-accused having similar role have already been granted bail or anticipatory bail.

4. It is argued on behalf of the applicant that non bailable warrants were issued against the applicant, but he submits that summons were never served on the applicant. Thereafter, bailable warrants were never served. Merely, the process server of the police station records that telephonically the applicant was informed about the date fixed, but no telephone call was received by the applicant. Therefore, it is a case fit for bail.

5. Learned State counsel submits that as per record, non bailable warrants have been issued against the applicant, though he

admits that similarly placed all other co-accused have already been granted bail or anticipatory bail.

6. The record reveals that evenailable warrants were not served on the applicant, though the court has given a report that as per police report service ofailable warrant on the applicant is deemed sufficient. But the service report, which is on record, records that there was nobody in the house, therefore, from the neighbour's phone, the date was informed. To whom the date was informed even it is not known. Thereafter, nonailable warrants and process under Section 82 of the Code of Criminal Procedure, 1973 has been issued. The summons have not been served on the applicant personally.ailable warrants have not been executed and straightway nonailable warrants have been issued. Similarly placed co-accused have been granted bail or anticipatory bail.

5. Having considered the entirety of facts, this Court is of the view that this is a case fit for anticipatory bail.

6. The anticipatory bail application is allowed.

7. In the eventuality of arrest, the applicant shall be enlarged on anticipatory bail subject to 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 concerned court.

- (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.)
20.03.2026

Jitendra