IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

First Bail Application No.1801 of 2020

Mahilal ….Applicant

Vs.

State of Uttarakhand ……Respondent

Hon'ble Alok Kumar Verma, J.

This bail application has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in connection with FIR No.024 of 2020, registered with Police Station Jaspur, District Udham Singh Nagar for the offence punishable under Sections 409, 420, 466, 467, 468, 471 and 120B of the IPC.

2. In the scholarship scam, in compliance with the order of this High Court passed in Writ Petition No.33 of 2019, Vipin Chandra Sharma, informant, was appointed as a member of Special Investigation Team (SIT). After enquiry, the informant lodged an FIR on 26.01.2020 against the owner, officers, employees of Rao Mohar Singh College, Gurgaon, Haryana along with four middlemen, including the present applicant.

3. Heard Mr. Harshpal Sekhon, the learned counsel for the applicant and Mr. S.S. Adhikari, the learned Deputy Advocate General assisted by Mr. P.S. Uniyal, the learned Brief Holder for the State through video conferencing.

4. The learned counsel for the applicant submits that the applicant has been falsely implicated; he was not a beneficiary; he has not received any scholarship amount; he is in custody since

02.03.2020; the charge-sheet has already been submitted, therefore, there is no chance of tampering with the evidence; the co-ordinate bench of this High Court has granted bail to one co-accused in which he gave an undertaking to deposit Rs.75,000/- and in the present matter also, the applicant is ready to deposit Rs.75,000/- with the concerned District Social Welfare Officer within three weeks from the date of his release on bail.

5. The learned Deputy Advocate General opposed the bail application, however, he fairly concedes that it is not clear at this stage whether any of the scholarship amount was received by the applicant and if it was received, how much was received.

6. Bail is the rule and the committal to jail is an exception. Refusal of bail is a restriction on the personal liberty of the individual, guaranteed under Article 21 of the Constitution of India. The object of keeping the accused person in detention during the trial is not punishment. The main purpose is manifestly to secure the attendance of the accused.

7. Having considered the submissions of learned counsel for both the parties and in the facts and circumstances of the case, there is no reason to keep the applicant behind the bars for an indefinite period, therefore, without expressing any opinion as to the merits of the case, this Court is of the view that the applicant deserves bail at this stage.

8. The bail application is allowed.

9. Let the applicant be released on bail on his executing a personal bond and furnishing two reliable sureties, each in the like amount, to the satisfaction of the court concerned with the following conditions :-

i) the applicant shall attend the trial court regularly and he shall not seek any unnecessary adjournment;

ii) the applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of this case;

10. It is clarified that if the applicant misuses or violates any of the conditions, imposed upon him or he does not deposit the aforesaid amount within three weeks from his release on bail, the prosecution will be free to move the court for cancellation of bail.

(Alok Kumar Verma, J.)
12.10.2020

JKJ/Neha