

IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

THE HON'BLE SRI JUSTICE ALOK KUMAR VERMA

04TH MARCH, 2024

ANTICIPATORY BAIL APPLICATION NO. 202 of 2024

Anukool Kumar alias Anukool Chauhan.Applicant

Versus

State of Uttarakhand.Respondent

Counsel for the Applicant : Mr. Shakti Singh, Advocate
with Mr. Govind Singh
Latwal, Advocate.

Counsel for the State : Mr. Rakesh Negi,
Brief Holder.

Hon'ble Alok Kumar Verma,J.

Present Application has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of Anticipatory Bail under Sections 409, 420, 466, 467, 468, 471, 120 B of the Indian Penal Code, 1860, Section 7 A and Section 8 of the Prevention of Corruption Act, 1988 in connection with the Case Crime No.26 of 2020 (Special Sessions Trial No.10 of 2022), registered at police station Jaspur, District Udham Singh Nagar.

2. Heard Mr. Shakti Singh with Mr. Govind Singh Latwal, learned counsel for applicant and Mr. Rakesh Negi, learned Brief Holder for State.

3. Mr. Shakti Singh, Advocate, contended that the applicant Anukool Kumar alias Anukool Chauhan is working as B.H.W. in the Government Health Department. He has neither taken any document from the students to get them scholarship nor has he been involved in any illegal activity. He has not received any scholarship

amount. He was granted interim relief in the petition, filed under Article 226 of the Constitution of India. He does not have any criminal antecedents. He is a permanent resident of District Udham Singh Nagar, therefore, there is no possibility of his absconding. Charge-sheet has already been filed, therefore, there is no chance of tampering with the evidence, and, three co-accused have already been granted Anticipatory Bail by this Court.

4. Mr. Rakesh Negi, learned Brief Holder, has opposed the Anticipatory Bail Application orally. However, he submitted that the charge-sheet has been filed, therefore, there is no need for custodial interrogation of the present applicant.

5. 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.

6. In the facts and circumstances of the case, applicant- Anukool Kumar alias Anukool Chauhan 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.

7. 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.

8. Anticipatory Bail Application (No.202 of 2024) stands disposed of accordingly.

ALOK KUMAR VERMA, J.

Dt:04.03.2024
Neha