HIGH COURT OF UTTARAKHAND AT NAINITAL

Anticipatory Bail Application No. 337 of 2023

Nafees .....Applicant

Versus

State of Uttarakhand .....Respondent

Present:-

Mr. Pawan Mishra, Advocate for the applicant.

Mr. Pramod Tiwari, Brief Holder for the State.

Hon'ble Ravindra Maithani, J. (Oral)

The applicant seeks anticipatory bail in FIR/Case Crime No.67 of 2023, under Sections 420, 467, 468, 471, 120-B IPC, Police Station Sahaspur, District Dehradun.

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

3. According to the FIR, the property of M/S PACL was banned for some transactions in the year 2015-16 despite that various transactions were made in collusion with the officials. The FIR records the name of the applicant.

4. Learned counsel for the applicant would submit that, in fact, the applicant had purchased the property in the year 2007; some of the part of the property he has already sold and remaining property is with him; the Collector had passed the banning order in

the year 2018, of which, the applicant was never aware of it.

5. Learned State counsel would submit that there was a ban on the sale of certain land, which was sold by the applicant.

6. The Court wanted to know, as to whether the applicant was ever aware of the order passed by the Collector? Learned State counsel would submit that there are no such instructions specific on this aspect.

7. 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.

8. The anticipatory bail application is allowed.

9. 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 ("the AO") concerned. In addition to it, the applicant shall also comply with the following conditions:-

(i) The applicant shall not approach any witness in any manner, whatsoever.

(ii) He shall cooperate with the investigation.

(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. If 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.)
16.12.2024

Sanjay

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KANOJIA