HIGH COURT OF UTTARAKHAND AT NAINITAL

First Bail Application No. 2140 of 2024

Saurabh Rathi .....Applicant

Versus

State of Uttarakhand .....Respondent

Present:-

Mr. Pranav Singh, Advocate for the applicant.

Ms. Manisha Rana Singh, D.A.G. for the State.

Hon'ble Ravindra Maithani, J. (Oral)

Delay in filing counter affidavit is condoned. Counter affidavit is taken on record. Delay Condonation Application, IA No.1 of 2024, stands disposed of, accordingly.

2. Applicant is in judicial custody in FIR/Case Crime No.14 of 2024, under Section 7 of the Prevention of Corruption Act, 1988, P.S. Vigilance Sector Nainital, Haldwani, District Nainital. He has sought his release on bail.

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

4. The complainant wanted his passport. The applicant was working in the Local Intelligence Unit at Ramnagar. For submitting his report, according to the complainant, the applicant demanded money. The complainant was reluctant to pay the money, therefore,

he reported the matter to Vigilance Department. A trap was laid and when the applicant took the money in his pocket, he was caught red handed. His hand wash turned pink. In fact, prior to trap, the conversation was also recorded by the complainant.

5. Learned counsel for the applicant would submit that on the date of incident, the applicant did not demand money; money was not straightway handed over to the applicant. Therefore, it is a case fit for bail.

6. Learned State Counsel would submit that the applicant demanded money, which is clear with the transcript of the conversation prior to the date of trap. She would also submit that on the date of trap, the applicant sent one of his employees to collect the money, and, thereafter, the applicant took the money from his employee and put it in his pocket, when he was caught red handed.

7. It is a stage of bail. Much of the discussion is not expected of. Arguments are being appreciated with the caveat that any observation made in this order shall have no bearing at any subsequent stage of the trial, or in any other proceeding.

8. Apart from direct evidence, circumstances are also to be seen in such matters. According to the

complainant, the applicant demanded money for submitting the report of the complainant. The transcript of the conversation has been placed before the Court, which reveals the demand. On the date of trap, firstly the applicant did not entertain the complainant, and, thereafter, he sent one of his employees to collect the money. The money was subsequently taken by the applicant himself and he put the money in his pocket, when he was caught red handed and the hand wash turned pink.

9. Having considered, this Court does not see any reason, which may entitle the applicant to bail. Accordingly, the bail application deserves to be rejected.

10. The bail application is rejected.

(Ravindra Maithani, J.)
18.12.2024

Ravi Bisht