

Anil Kumar Saini Vs State Of Uttarakhand

Court: Uttarakhand High Court

Date of Decision: March 18, 2023

Acts Referred: Indian Penal Code, 1860 " Section 120B, 409, 420, 466, 467, 468, 471
Prevention Of Corruption Act, 1988 " Section 8
Code Of Criminal Procedure, 1973 " Section 482

Hon'ble Judges: Alok Kumar Verma, J

Bench: Single Bench

Advocate: Nandan Arya, Subhash Tyagi Bhardwaj

Final Decision: Allowed

Judgement

Alok Kumar Verma, J

1. Coordinate Bench of this High Court had granted bail to the applicant-accused Anil Kumar Saini in connection with the First Information Report

No.44 of 2019 registered at Police Station Bhimtal, District Nainital for the offence under Sections 420, 466, 467, 468, 471 and 120-B IPC.

2. Heard Mr. Nandan Arya, learned counsel for the applicant-accused, Mr. Subhash Tyagi Bhardwaj, learned Deputy Advocate General for the

State.

3. Mr. Nandan Arya, learned counsel for the applicant, submitted that after completion of investigation, the charge-sheet has been filed adding Section

409 IPC and Section 8 of the Prevention of Corruption Act, 1988. The said Sections were added on the same facts, as mentioned in the First

Information Report.

4. Present application has been filed by the applicant-accused under Section 482 of the Code of Criminal Procedure, 1973 to direct the court

concerned to release the applicant on the same bail bonds or to accept fresh bail bonds.

5. Learned counsel for the State fairly conceded that the said Sections i.e. 409 IPC and Section 8 of the said Act, 1988 were added on the same facts,

as disclosed in the First Information Report

6. Learned counsel appearing for the applicant has relied upon a judgment dated 03.12.2009 of the coordinate Bench of this High Court, passed in

Criminal Miscellaneous Application No.924 of 2009, *Mustaqeem and Others vs. State of Uttarakhand and Another*, wherein it has been held,

“no Court can ask to seek fresh bail for the section which was added in the charge-sheet after the investigation. Once accused were

released on bail for the offence shown in the First Information Report and later on if during investigation any other section is added the only order

which can be passed by the court concerned is to ask the accused to furnish surety and personal bond for the offence added in the charge-sheet”.

7. Having heard learned counsel for the parties, the present application, filed under Section 482 of the Code of Criminal Procedure, 1973, is allowed to

this extent that applicant-accused, namely, Anil Kumar Saini is permitted to continue to remain on bail also under Section 409 IPC and Section 8 of the

Prevention of Corruption Act, 1988, provided he furnishes fresh personal bond and reliable sureties to the satisfaction of the court concerned.