
(2023) 07 UK CK 0131

Uttarakhand High Court

Case No: First Bail Application No. 470 Of 2023

Dr. Monika Goyal

APPELLANT

Vs

State Of Uttarakhand

RESPONDENT

Date of Decision: July 21, 2023

Acts Referred:

Code Of Criminal Procedure, 1973 " Section 439#Prevention Of Corruption Act, 1988 " "
Section 7#Constitution Of India, 1950 " " Article 21

Citation: (2023) 07 UK CK 0131

Hon'ble Judges: Alok Kumar Verma, J

Bench: Single Bench

Advocate: Lalit Sharma, S.T. Bhardwaj, Lata Negi

Final Decision: Allowed

Judgement

Alok Kumar Verma, J

1. Present Application has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in connection with Case

Crime No. 01 of 2023, registered at police station Vigilance Sector, District Dehradun under Section 7 of the Prevention of Corruption Act, 1988.

2. Heard Mr. Lalit Sharma, learned counsel for the applicant and Mr. S.T. Bhardwaj, learned Deputy Advocate General along with Mrs. Lata Negi,

learned Brief Holder for the State.

3. Opposing the bail application, Mr. S.T. Bhardwaj, Advocate, has submitted that the applicant was on the post of Veterinary Officer. A sum of Rs.

7,000/- was deposited by the complainant under the Goat Farming Scheme. A sum of Rs. 63,000/-, which was to be given to the complainant, was not

paid to the complainant. A bribe of Rs. 8,000/- was demanded by the applicant for paying Rs. 63,000/-. Applicant was caught red-handed on

18.01.2023 while taking a bribe of Rs. 8,000/-. Charge-sheet was filed after completion of the investigation. Complainant (PW1) has supported the

case of the prosecution, therefore, the bail application is liable to be rejected.

4. Mr. Lalit Sharma, Advocate, contended that the applicant is a public servant, therefore, there is no likelihood of applicant absconding as well. She

has been falsely implicated in the present matter. Charge-sheet has already been filed by the Investigating Officer, and, evidence of the complainant

(PW1) has been recorded, therefore, there is no chance of tampering with the evidence. Applicant has no criminal history, and, she is in custody since

19.01.2023.

5. This fact is not disputed that there is nothing on record to indicate that the applicant had earlier been involved in any unacceptable activities.

6. Bail is the rule and 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 merit 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 "Monika Goyal be released on bail on her 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) Applicant shall attend the trial court regularly and she will 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.

10. It is clarified that if the applicant misuses or violates any of the conditions, imposed upon her, prosecution will be free to move the court for

cancellation of her bail.