

(2024) 04 UK CK 0008

Uttarakhand High Court

Case No: Anticipatory Bail Application No. 94 Of 2021

Praveen Bansal

APPELLANT

Vs

State Of Uttarakhand

RESPONDENT

Date of Decision: April 3, 2024

Acts Referred:

- Code Of Criminal Procedure, 1973 - Section 438
- Indian Penal Code, 1860 - Section 120B, 409, 420
- Constitution Of India, 1950 - Article 21

Hon'ble Judges: Alok Kumar Verma, J

Bench: Single Bench

Advocate: Navneet Kaushik, M.K. Chand

Final Decision: Disposed Of

Judgement

Alok Kumar Verma, J

1. This Application has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of Anticipatory Bail under Sections 420, 409 and Section 120B of the Indian Penal Code, 1860 in connection with the Case Crime No.496 of 2018, registered at police station S.I.D.C.U.L., District Haridwar.

2. As per the First Information Report, a Special Investigation Team was constituted in the scholarship scam matter. Inspector Jawahar Lal was a member of the said Team. After completion of the enquiry, he lodged an FIR on 01.12.2018.

3. Heard Mr. Navneet Kaushik, learned counsel for applicant and Mr. M.K. Chand, learned A.G.A. for State.

4. Mr. Navneet Kaushik, Advocate, contended that the Institute in-question, namely, "Ideal Business School" was being run by a trust, "Volenti Foundation". The present applicant, aged about 50 years, was a Chairman of the said trust. Institute in-question was recognized from A.I.C.T.E., therefore, affiliation from any other body was not required. Applicant has not received any scholarship amount. He was not arrested during the course of the investigation. He is a permanent resident of District Meerut (Uttar Pradesh), therefore, there is no chance of his absconding. Charge-sheet has already been filed, therefore, there is no requirement of custodial interrogation.

5. Mr. M.K. Chand, learned A.G.A. for State, has opposed the Anticipatory Bail Application. However, he has submitted that the Institute in-question was recognized from A.I.C.T.E. and the Investigating Officer does not want to interrogate the applicant.

6. 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.

7. In the facts and circumstances of the case, applicant-Praveen Bansal 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.

8. 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.

9. Anticipatory Bail Application (No.94 of 2021) stands disposed of accordingly.