

(2025) 12 UK CK 0042

Uttarakhand HC

Case No: Anticipatory Bail Application No. 1222 Of 2025

Shiv Asray Sharma

APPELLANT

Vs

State Of Uttarakhand And
Another

RESPONDENT

Date of Decision: Dec. 8, 2025

Acts Referred:

- Indian Penal Code, 1860 - Section 409, 420
- Constitution Of India, 1950 - Article 21

Hon'ble Judges: Alok Kumar Verma, J

Bench: Single Bench

Advocate: Siddhartha Sah, Sweta Badola Dobhal

Final Decision: Allowed

Judgement

Alok Kumar Verma, J

1. This Application has been filed for anticipatory bail under Section 409 and Section 420 of the Indian Penal Code, 1860 in Case Crime No.74 of 2025, registered at Police Station Nehru Colony, District Dehradun.

2. According to the First Information Report dated 22.02.2025, the applicant was posted on the post of Additional Project Manager in Dehradun Unit of Uttar Pradesh Rajkiya Nirman Nigam Ltd. situated at Doon University Campus, Kedarpuram. The construction work of Tourism Department was undertaken by the applicant and the co-accused. The said construction work was done without the Centage, due to which the Uttar Pradesh Rajkiya Nirman Nigam Ltd. has suffered a financial loss of Rs.159.85 Lakh.

3. Heard Mr. Siddhartha Sah, learned counsel for the applicant and Mrs. Sweta Badola Dobhal, learned Brief Holder for the respondent no.1.

4. Mr. Siddhartha Singh, Advocate, contended that the said allegations are totally false. Prior to the date of lodging of the First Information Report, the Nigam already recovered a sum of Rs.415.23 lakh from the Tourism Department in the account of Centage as on 11.05.2022. Applicant, aged about 67 years, retired in the year 2018. He is a permanent resident of District Dehradun, therefore, there is no possibility of his absconding. Ram Prakash Gupta, a co-accused of similar role, has already been granted anticipatory bail by this Court in Anticipatory Bail Application No. 404 of 2025.

5. Mrs. Sweta Badola Dobhal, Brief Holder, has opposed the anticipatory bail application orally.

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. Having heard the submissions of learned counsel for the parties and keeping in view of the facts and circumstances of the case, the present Application, filed for anticipatory bail, is allowed. It is directed that in the event of arrest of the applicant Shiv Asray Sharma, he shall be released on anticipatory bail on executing a personal bond of Rs. 30,000/- and two reliable sureties, each of the like amount, to the satisfaction of the Arresting Officer, subject to the following conditions: -

(i) Applicant shall cooperate with the Investigating Agency and he shall make himself available for interrogation by a police officer as and when required;

(ii) If the charge-sheet is filed, the applicant shall attend the trial court regularly and he shall not seek any unnecessary adjournment;

(iii) Applicant shall not directly or indirectly make any inducement, threat or promise to any person, acquainted with the facts of this case;

(iv) 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 prosecution agency will be free to move the Court for cancellation of the anticipatory bail.