

(2025) 12 UK CK 0034

Uttarakhand HC

Case No: Anticipatory Bail Application No. 998 Of 2025

Manoj Kumar Jain

APPELLANT

Vs

State Of Uttarakhand

RESPONDENT

Date of Decision: Dec. 9, 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: Vinod Chandra, Pradeep Lohani

Final Decision: Allowed

Judgement

Alok Kumar Verma, J

1. This Application for anticipatory bail has been filed in Case Crime No. 375 of 2019, registered at Police Station SIDCUL, District Haridwar.

2. In the scholarship scam matter, Sub-Inspector Rajendra Singh Kholia was appointed as a member of the Special Investigation Team and after inquiry, he lodged an FIR on 02.11.2019 against Stallion College for Engineering Technology, Saharanpur, Uttar Pradesh. A charge-sheet has been filed against the applicant under Section 409 and Section 420 of the Indian Penal Code, 1860.

3. Heard Mr. Vinod Chandra, learned counsel for the applicant and Mr. Pradeep Lohani, learned Brief Holder for the respondent.

4. Mr. Vinod Chandra, Advocate, has contended that the Stallion College was run by a Charitable Trust, "Maa Shakumbari Devi Charitable Trust", Uttar Pradesh, Muzaffarnagar. The applicant was a cashier of the said Trust. The entire financial activities of the said institute were being carried out by the Director of the said institute under the instructions of Mr. Lakhminder Khurana, the

Chairman of the Trust. The applicant had no role in such financial activities. A dispute had arisen between the applicant and the Chairman. An FIR dated 18.08.2018 was registered against the Chairman. The applicant was forcibly ousted by the Chairman and the Director of the said institute, and, therefore, the applicant was prevented from seeing any document and students' admission record. Applicant, aged about 63 years, has been falsely implicated in the present matter. Applicant has not misappropriated any amount of the scholarship.

5. Mr. Vinod Chandra, Advocate, further submitted that the applicant was not arrested during the course of the investigation. He was granted interim relief by this Court. Now, charge-sheet has been filed, therefore, there is no chance of tampering with the evidence. Applicant is not a convicted person. He is a permanent resident of District Saharanpur, Uttar Pradesh, therefore, there is no possibility of his absconding.

6. Mr. Pradeep Lohani, Brief Holder, has opposed the anticipatory bail application. However, he submitted that the applicant was not arrested during the course of the investigation.

7. 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.

8. 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 Manoj Kumar Jain, 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 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.

9. It is made clear 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.