
(2025) 12 UK CK 0035

Uttarakhand HC

Case No: Anticipatory Bail Application No. 1223 Of 2025

Shiv Asray Sharma

APPELLANT

Vs

State Of Uttarakhand And
Another

RESPONDENT

Date of Decision: Dec. 15, 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, Deepak Bhardwaj

Final Decision: Allowed

Judgement

Alok Kumar Verma, J

1. This Application has been filed by the applicant seeking anticipatory bail in Case Crime No.75 of 2025, registered at Police Station Nehru Colony, District Dehradun under Section 409 and Section 420 of the Indian Penal Code, 1860.

2. According to the First Information Report dated 22.02.2025, the allegations against the present applicant are that he along with co-accused had spent the amount in some other work inspite of spending on the work allotted by the Uttar Pradesh Rajkiya Nirman Nigam Ltd., due to which, the department has suffered a loss of Rs.10,971.65/- lakh.

3. Heard Mr. Siddhartha Sah, learned counsel for the applicant and Mr. Deepak Bhardwaj, learned Brief Holder for the respondent.

4. Mr. Siddhartha Sah, Advocate, contended that the applicant was posted on the post of Additional Project Manager in Dehradun unit of the informant, the Uttar Pradesh Rajkiya Nirman Nigam Ltd. The informant has lodged the First Information

Report against the present applicant and three other employees. It was a routine practice in the working of Nigam that for the immediate need in other work, if the required amount is not received, the amounts were utilized in the other work, therefore, no loss was caused to the Nigam. The applicant, now aged about 67 years, was superannuated on 31.08.2018. He is residing in Dehradun District. He is not a convicted person. Ram Prakash Gupta, the co-accused of similar role, has already been granted Anticipatory Bail by this Court in Anticipatory Bail Application No.402 of 2025.

5. Mr. Deepak Bhardwaj, learned 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, without commenting on the merits 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 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.