

ITEM NO.8 Court 5 (Video Conferencing) SECTION II

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (CrI.) No(s).4133-4134/2020

(Arising out of impugned final judgment and order dated 29-07-2020 in FBA No.2403/2018 29-07-2020 in FBA No. 2404/2018 passed by the High Court Of Uttarakhand At Nainital)

VIJENDRA NATH GUPTA

Petitioner(s)

VERSUS

THE STATE OF UTTARAKHAND

Respondent(s)

(With appls.for exemption from filing c/c of the impugned judgment, exemption from filing O.T.exemption from filing affidavit, intervention, impleadment, permission to file additional documents/facts/annexures)

Date : 21-09-2020 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO
HON'BLE MR. JUSTICE HEMANT GUPTA
HON'BLE MR. JUSTICE S. RAVINDRA BHAT

For Petitioner(s) Mr. Sameer Kumar, AOR
 Mr. Shah Rukh Ahmad, Adv

For Respondent(s) Ms. Divya Roy, AOR

 Mr. Sarthak Raizada, Adv. (impleadment)

UPON hearing the counsel the Court made the following
O R D E R

The petitioner is accused of misappropriation of an amount of Rs.88,94,635/- while working as an Accountant in a School run by Prema Jagati Saraswati Vihar, Senior Secondary School Society. Admittedly, he has deposited an amount of Rs.50 Lakhs which was a

condition for grant of short-term bail.

Later, he filed an application for bail contending that the alleged incident took place in the year 2010 but the FIR was filed only in the year 2018 and that he was in jail since 25.7.2018. The application for bail filed by him was dismissed by the High Court. Aggrieved thereby, the above special leave petitions have been filed.

Learned counsel for the petitioner submitted that the petitioner entered into a Memorandum of Settlement on 3.3.2020 with the Society pursuant to which he agreed to pay Rs.1.10 crores. An amount of Rs.50 Lakhs has already been deposited in the Registry of the High Court and Rs.10 Lakhs was to be adjusted towards arrears payable to him by the Society. He requested for six months time to clear the remaining amount of Rs.50 Lakhs.

In view of the Memorandum of Settlement dated 3.3.2020, the petitioner is entitled to be released on bail. Consequently, the petitioner is directed to be released on bail subject to the satisfaction of the trial court on the following conditions :

(a) the petitioner shall clear the dues payable to the Society according to the Memorandum of

Settlement, i.e. Rs.50 Lakhs within a period of six months from today;

(b) In default, this order shall stand vacated automatically without reference to the Court; and

(c) The respondent-Society is at liberty to withdraw the amount of Rs.50 Lakhs lying in the Registry of the High Court.

Application for impleadment is allowed.

The special leave petitions stand disposed of. Pending application(s), if any, shall also stand disposed of.

(Geeta Ahuja)
Court Master

(Anand Prakash)
Court Master