
(2010) 10 UK CK 0114

In the Uttarakhand High Court

Case No : Ist Bail Application No. 861 of 2010

Narendra Singh Bisht (In Jail)

APPELLANT

Vs

State of Uttarakhand

RESPONDENT

Date of Decision : 04-10-2010

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 161

Citation : (2010) 10 UK CK 0114

Hon'ble Judges : Dharam Veer, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Dharam Veer, J.—Heard Mr. Sudhir Singh, learned Counsel for the applicant and Mr. Amit Bhatt, learned Addl. GA for the State.

2. In brief, the prosecution story is that Ajay Singh Rawat lodged a First Information Report at P.S. Kotwali Pithoragarh stating therein that the complainant and his one companion named Jagat Singh are working in Indian Institute of Hardware Technology, Bajpur Road, Kashipur. They came in contact with the applicant-accused, who told them that he has good contacts with officers of railway department. The applicant-accused assured them that he can manage to get them appointed in the Railway Department on the post of T.T./T.C. on the payment of Rs. 5.00 lacs. It is further alleged that the applicant-accused asked them to come to Siligudi on 7.4.2010 along with original documents and money, on which, the complainant and Jagat Singh went to Siligudi where one Ravi Kumar was introduced as a railway employee by the applicant. Ravi Kumar filled their applications and also got obtained their signatures on admit card and O.M.R. sheet. After two days, Ravi Kumar came back and told them that they have passed the examination which may be verified from the website. Ravi Kumar gave them appointment letter and took Rs. 1.50 lacs as first installment. Thereafter they stayed at Jalpaigudi for ten days and during this period, they gave Rs. 1.20 lacs in cash and their ATM card to the applicant for withdrawing

Rs. 5.00 lacs on the demand of applicant and thereafter they came back. On 25.5.2010, the complainant and Jagat Singh went to Siligudi where Ravi Kumar showed them their original reporting letter and asked them to take the same along with them after the payment of remaining amount. It is further alleged that the complainant further deposited Rs. 1.00 lac in the account of Ravi Kumar and also gave Rs. 30,000/- in cash. It is further stated that the applicant told the complainant that Chairman of Railway Recruitment Board has been arrested in a raid conducted by CBI and after his release the complaint and another will get their joining. It is further alleged that during this period several other students met the complainant who told them that they have come at Siligudi for their recruitment in R.P.F. Thereafter the complainant requested the applicant either to recruit him or to return his money but he kept lingering on the matter on one pretext or another.

3. A counter affidavit has been filed by Sri Chandan Singh, Investigating Officer of the case, wherein at Para-6 it is stated that the applicant-accused and other co-accused persons by hatching conspiracy committed fraud with the complainant in order to get him the service in Indian Railway. During the course of investigation, the I.O. recorded the statements of witnesses namely Ajay Singh, complainant, Harendra Singh Paliwal and Bhagat Singh u/s 161 Cr.P.C., who have fully supported the prosecution case in their statements. It is also stated in the counter affidavit that during the course of investigation, certain documents were recovered from office of the applicant-accused which shows his involvement in the said crime.

4. A perusal of the FIR and the facts and circumstances of the case prima facie indicates that the applicant in connivance with other co-accused persons has played fraud with the complainant and other innocent youths of the State of Uttarakhand by inducing them and by grabbing their money in the name of employment in Railway Department.

5. Keeping in view all the aforementioned facts and circumstances, nature and gravity of the offence, I am of the view that no case for bail is made out.

6. The bail application is rejected accordingly.