(2012) 02 RAJ CK 0120

In the Rajasthan High Court

Case No : Criminal Miscellaneous Bail Application No. 968 of 2012

Saju M. Chaku and Annu Johan — APPELLANT

Vs

State of Rajasthan — RESPONDENT

Date of Decision : 10-02-2012

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 439
Penal Code, 1860 (IPC) — Section 420

Citation : (2012) 3 RLW 2465

Hon'ble Judges : Mahesh Chandra Sharma, J

Bench : Single Bench

Advocate : M.K. Sharma, for the Appellant; N.R. Saran, Public Prosecutor, for the Respondent

Final Decision : Dismissed

Judgement

Hon''ble Sharma, J.—Petitioners have filed this bail application u/s 439 Cr.P.C. Brief facts of the case are that - the complainant lodged First Information Report No. 435/2011 at Police Station, Vidhyadhar Nagar, for offence under Sec. 420 IPC read with Secs. 4, 5 and 6 of the Inami Chit and Dhan Parichalan (Pabandi) Scheme Adhiniyam. Accused-petitioners moved an application before the Court below and same was dismissed by learned Addl. District and Sessions Judge No. 9, Jaipur Metropolitan, Jaipur vide order dated 19.12.2011. Against the said order, this application has been moved.

2. Learned counsel for petitioners Shri Mithlesh Kumar Sharma has contended that accused-petitioners are in judicial lock up since long and trial will take a long. He has further contended that no person has claimed from the petitioners to get his money back, which has been given by him to them and the Company/ Firm is a private company registered under the Companies Act, 1956. ISO certificate was also issued in favour of the Company. The company has produced the ISO Certificate on record as Annexure-4. As per above certificate, the company was providing Health Insurance Scheme and details of which has been

given in para 5 of the bail application.

3. Hence, it is prayed that the petitioners should be released on bail.

4. We have called the Investigating Officer, Ms. Lovely Katiyar, ACP, Shastri Nagar, Jaipur, is present in person along with the Station House Officer concerned and the case-diary. They have shown to the Court that the company has made 12500 members of the aforesaid scheme and got from those members near about four crore and six lac with intention to cheat them. She further contended that police has received account for rupees three crore from the petitioners, and yet an account of a sum of rupees one crore and six lac is to be compared with. Petitioners have cheated to the people and it is a very serious offence involving financial irregularities and investigation is going on. The Investigating Officer has further requested to the Court that such type of persons should not be released on bail. Petitioners are Directors of he company. The Investigating Officer has further drawn attention of the Court that the Directors should be treated as partners of the company/firm.

5. Heard learned counsel for the parties as well learned Public Prosecutor and gone through the material available on record.

6. Without expressing any opinion on the merits of the case and considering the fact that the investigation is going on in the matter and it is a very serious offence involving financial irregularities, where the police has yet to take the account of rupees one crore and six lac from the petitioners and considering the fact that poor peoples are alleged to have been cheated by the petitioners and history shows that poor people have remained tools at the hand of wisemen and the multi-level marketing frauds that surfaced in recent past are a big example of it, I do not think it proper to accept the bail application of the petitioners at this stage. The bail application is hereby dismissed. After completion of dictation of the judgment learned counsel for petitioners made a request to the Court that a liberty should be given to the petitioners to move an application for bail before the trial Court after filing of the charge-sheet. He is permitted to do so.