

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7033 of 2016

1. Rajesh Kumar Sai, S/o. Late Shri Ramesh Lal Sai, Aged About 24 Years, R/o. Vijay Colony, Hati Badtala, Police Station- Dalanwala, Tahsil- Dehradun, Civil & Revenue District Dehradun, Uttarakhand.
2. Dixit Chamoli, S/o. Shri Diwakar Chamoli, Aged About 30 Years, R/o. Village Devipur, Umedpur, Vishal Nagar, Police Station- Basant Vihar, Tahsil Dehradun, Civil & Revenue District Dehradun, Uttarakhand.

---- Applicants

Versus

State Of Chhattisgarh, Through Police Station- Mandir Hasaud, Raipur, District Raipur, Chhattisgarh.

---- Respondent

For Applicants : Mr. Sudeep Agrawal, Advocate.

For Respondent : Mr. Anupam Dubey, Dy. Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

09.11.2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.227/2016 registered at Police Station- Mandir Hasaud, Raipur, District Raipur (C.G.) for the offence punishable under Section 420/34 of Indian Penal Code.
2. As per the prosecution case, the applicants were holding some examination after charging Rs.200/- from different persons and they were said to have holding the examination on behalf of Polaris Maritime Academy i.e. Merchant Navy though were not authorized to do so, as they were not registered with the Shipping Corporation

of India Limited. Thereby, the applicants who were conducted examination on behalf of the Company has committed offence.

3. Learned counsel for the applicants would submit that the DGN Maritime Academy who is ISO Company registered and authorized to Polaris Maritime Academy to conduct examination and the applicants are the employees of Plaris Maritime Academy Merchant Navy and they were holding examination, therefore, they have not committed any offence. He further submits that the Head Quarter of the Polaris Maritime Academy is at Dehradun and the applicants are employed and residents of Dehradun and they are in jail since 28.08.2016; therefore, they may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary including the information received from the Director General of Shipping, which shows that the Polaris Maritime Academy is not approved by the Directorate General of Shipping, Govt. of India. The investigation is going on. Considering such facts and the fact that the matter is still to be investigated, at this stage, I am not inclined to release the applicants on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is dismissed.