$~14

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ BAIL APPLN. 1074/2016

SANTOSH GIRI ..... Petitioner

Through : Mr.S.B.Dandapani, Advocate with Mr.S.Anwar, Mr.Manish K.Gupta & Mr.Deepak Singh, Advocates.

versus

THE STATE (GOVT OF NCT OF DELHI) ..... Respondent

Through : Mr.Akshai Malik, APP.

CORAM:
HON'BLE MR. JUSTICE S.P.GARG

ORDER

% **11.11.2016**

1. The petitioner seeks regular bail under Section/ 439 Cr.P.C. in case FIR No.143/2011 registered under Sections 420/468/471/120B IPC at PS EOW. Status report is on record.

2. I have heard the learned counsel for the parties and have examined the file. Learned counsel for the petitioner urged that the petitioner is in custody since 14.04.2015. The investigation is complete; trial will take long time. The petitioner is the victim of circumstances. The main culprit is Amit Kumar Singh @ Ashutosh Kumar on whose instructions the petitioner started getting money in his account. Ram Karan is the main culprit who used to collect money and pass it to Amit Kumar Singh who had direct contacts with

the railway personnel. The present petitioner was a medium for forwarding information / messages between the complainant and the said employers. The petitioner was following instructions of the employers and had no role in commission of the crime. Reliance has been placed on '*Anil Mahajan vs. Commissioner of Customs & Anr.*' in Crl.M.(M) No.3068/99; '*Vivek Kumar vs. State of U.P.*' in Crl.A.2/2000 and '*Jitender Kumar vs. Govt. of NCT of Delhi*' in Bail APPLN. 2707/2015.

3. Bail is highly opposed by the State.

4. On perusal of the file, it reveals that there are serious allegations against the petitioner whereby he along with his associates allegedly cheated 21 innocent people of their hard earned money to the tune of ₹1 crore on the pretext to provide them jobs in railways. The petitioner was named in the FIR. The complainant specifically disclosed to have made payment to the petitioner. Money was also deposited in his father's bank account and other bank accounts. Status report reveals that during investigation it was found that the petitioner was running a fake railway recruitment racket along with his associates in Calcutta. The petitioner had 5 bank accounts in Calcutta, Hazipur and Patna but had withdrawn all the money from the said accounts. With great difficulty, the petitioner could be arrested only on 14.04.2015.

5. Considering the gravity of the offence; serious allegations and the possibility of the petitioner to flee from justice, it is not a case for

grant of bail particularly when the material prosecution witnesses are yet to be examined.

6. The bail application is dismissed.

S.P.GARG, J.

NOVEMBER 11, 2016 / tr