

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7131 of 2016

1. Neeraj Kumar Singh, S/o. Suresh Singh. Aged About 24 Years, R/o. Village Khaira, Post Majurahi, Police Station Aurangabad, District Bihar, At Present R/o. Village Sutyana, Police Station Surajpur, District Gautam Buddh Nagar, Greater Noida, Uttar Pradesh.
2. Shashi Prakash, S/o. Mohan Singh, Aged About 34 Years, R/o. Village Bhargaon, Police Station & Post Bhargaon, District Baliya, Uttar Pradesh.
3. Dharmaprakash, S/o. Rajendra Singh Chahar, Aged About 46 Years, R/o. 1116 E, Ground Floor Block No. C-2, Palam Vihar, Police Station C-2, District Gurgaon, Haryana.
4. Chandan Kumar Sharma, S/o. Laxman Kumar Sharma, Aged About 18 Years, R/o. Village Korar, Post Bhopalpur Pori, Police Station Basantpur, District Sivni, Bihar. At Present R/o. House No. D-248, Omicron-II, Police Station Kasna, District Gautam Buddh Nagar, Greater Noida, Uttar Pradesh.
5. Sanjay Kumar, S/o. Hariom, Aged About 32 Years, R/o. Imliwala, Atra Siroh, Police Station Amroha, District J.P.Nagar, Uttar Pradesh.

---- Applicants

Versus

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

---- Respondent

For Applicants : Mr. Manoj Paranjpe, Advocate.

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

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

03.01.2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No.228/2016

registered at Police Station- Mandir Hasaud, District Raipur (C.G.) for the offence punishable under Section 420 read with Section 34 of Indian Penal Code. After rejection of bail certain more Sections have been added in the FIR i.e. 467, 468, 471 of Indian Penal Code.

2. As per the prosecution case, the DGN Maritime Academy Pvt. Ltd. was conducted examination by taking charges of Rs.200/- from different persons and the applicants were said to have holding the examination on behalf of the DGN Maritime Academy though they were not authorized to do so by the Director General of Shipping, Govt. of India, nor they were recognized by the Shipping Corporation of India Limited yet the same was being done and the applicants who were conducting the examination were arrested and as such the offence has been committed.
3. Learned counsel for the applicants would submit that the applicants were the low paid employees of DGN Maritime Academy Pvt. Ltd. and were not at the helm of affairs of the Company and they were conducting the exam on behalf of the Company and as such they have not taken any policy decision and they were only following the instructions of the Company. He further submits that the charge sheet has been filed and no further investigation is necessary, therefore, the applicants may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail, however, on a specific query being made, it has been answered that the applicants were working as an employee of the DGN Maritime Academy.
5. Perused the case diary and the documents. The charge sheet in this case has been filed. It has not been disputed that the applicants were working as an employee of the DGN Maritime

Academy. It *prima facie* appears that the applicants have not taken any policy decision on behalf of the Company. Taking into the role played by the applicants and the fact that the charge sheet has been filed, investigation is complete and the applicants are in jail since 28.08.2016, I am inclined to release the applicants on bail.

6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicants shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge