

\$~1

\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **BAIL APPLN. 1171/2020.**

**MANOJ LAXMICHAND RATHORE & ANR. ....** Petitioners

Through: Mr. Imran Khan, Advocate

Versus

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

Through: Mr. Raghuvinder Verma,  
Ld. APP for the State with  
IO SI Gulshan Yadav, EOW  
Cell.

**CORAM:**  
**HON'BLE MR. JUSTICE BRIJESH SETHI**

**ORDER**

%

**03.07.2020**

1. The hearing has been conducted through video conference.
2. This is an application filed by the petitioners under Section 439 CrPC for grant of regular bail in FIR bearing no. 89/2009, under Section 420/406/120B/174-A IPC, registered at PS EOW.
3. Learned Counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in the present case. It is submitted that cheated amount of Rs. 1,55,000/- was recovered from the main accused i.e. Ashok Jadeja. Accused Ajay Jadeja, Kanti Bhai, Basant Lal, Praveen Popat and Khimaji have already been granted bail in this case. It is further submitted that both the petitioners are in JC since

26.02.2019 Investigation stands completed and supplementary charge-sheet has also been filed. Cheated amount has already been recovered. Nothing has been recovered from the petitioners during investigation. It is, therefore, prayed that petitioners be released on bail in the interest of justice.

4. The bail application is opposed by the learned Additional Public Prosecutor for the State on the ground that the allegations against the petitioner are serious in nature. They along with other co-accused persons have cheated the victims to the tune of Rs. 46,40,28,400/-. The petitioners are beneficiaries of the cheated amount. Both the petitioners are the promoters of the alleged scheme and through the promotion, the victims were allured and induced to invest in the alleged scheme. Learned Additional Public Prosecutor for the State has, therefore, prayed that the present regular bail application be dismissed.

5. I have considered the rival submissions. As per the case of prosecution, FIR No. 89/09 dt.01.06.2009 u/s 420/406/120B/174A IPC PS EOW, New Delhi was registered on the complaint of Sh. Rajesh Kumar S/o. Sh. Anant Ram R/o C-4, Mangol Puri, Delhi. During investigation, it was revealed that the main accused/kingpin Ashok Jadeja constituted a body of promoters and agents for promoting the scheme and collecting money. During investigation, both petitioners along with 08 co-accuseds namely Hadhmadh Singh, Pintoo, Shashi Kant, Kanti Bhai, Raju Bhai, Kishor Bhai Jadeja, Kanta Ben @ Jhumro and Bunti were declared proclaimed offenders vide order dated 10.08.2010. During the pendency of supplementary investigation, in February 2019 both petitioners Manoj Laxmi Chand Rathore & Bharat Laxmi Chand Rathore

alongwith co-accused Kanti Bhai were arrested. Role of the petitioners is that they are promoters of the alleged Scheme. The scheme was promoted by them in Delhi and through this promotion, the victims were allured and induced to invest in the alleged scheme. Both the petitioners remained proclaimed offenders for about 09 years.

6. This Court during the course of hearing had asked SI Gulshan Yadav, Investigating Officer, whether the petitioners are involved in any other case or not? The Investigating officer on specific query supplied the list of previous involvement of the petitioners which shows that petitioner Manoj Laxmi Chand Rathore is involved in four more cases. However, petitioner Bharat Laxmi Chand Rathore was not found to be involved in any other case. The pervious involvement of the petitioner Manoj Laxmi Chand Rathore is as follows;

| <b>N o.</b> | <b>FIR No.</b> | <b>U/s</b>                                                                                | <b>PS</b>          |
|-------------|----------------|-------------------------------------------------------------------------------------------|--------------------|
| (1)         | 21/2010        | 406/420/120B, S. 3 & 5 of Prize and Chits and Money Circulation (Banning) Act (PCMCB Act) | Sarkhej, Ahmedabad |
| (2)         | 28/2010        | 406/420/ 120B, S- 3 & 5 PCMCB Act                                                         | Sarkhej, Ahmedabad |
| (3)         | 321/2009       | 406/420/ 120B, S- 3 & 5 PCMCB Act                                                         | Sarkhej, Ahmedabad |
| (4)         | 25/2010        | 406/420/ 120B, S- 3 & 5 PCMCB Act                                                         | Sarkhej, Ahmedabad |

7. Ld. Counsel for the petitioner is seeking bail of the petitioners on the ground of parity as co-accused Kanti Bhai was granted bail by the Co-ordinate Bench of this Court vide order dated 29.05.2020. However, today the Investigating Officer has filed the list of previous involvement of co-accused Kanti Bhai, which runs as follows;

| <b>No.</b> | <b>FIR No.</b> | <b>U/s</b>                        | <b>PS</b>             |
|------------|----------------|-----------------------------------|-----------------------|
| (1)        | 95/2009        | 406/420/ 120B, S- 3 & 5 PCMCB Act | Sarkhej,<br>Ahmedabad |
| (2)        | 96/2009        | 406/420/ 120B, S- 3 & 5 PCMCB Act | Sarkhej,<br>Ahmedabad |
| (3)        | 97/2009        | 406/420/ 120B, S- 3 & 5 PCMCB Act | Sarkhej,<br>Ahmedabad |
| (4)        | 100/2009       | 406/420/ 120B, S- 3 & 5 PCMCB Act | Sarkhej,<br>Ahmedabad |
| (5)        | 104/2009       | 406/420/ 120B, S- 3 & 5 PCMCB Act | Sarkhej,<br>Ahmedabad |
| (6)        | 114/2009       | 406/420/ 120B, S- 3 & 5 PCMCB Act | Sarkhej,<br>Ahmedabad |
| (7)        | 115/2009       | 406/420/ 120B, S- 3 & 5 PCMCB Act | Sarkhej,<br>Ahmedabad |
| (8)        | 116/2009       | 406/420/ 120B, S- 3 & 5 PCMCB Act | Sarkhej,<br>Ahmedabad |
| (9)        | 120/2009       | 406/420/ 120B, S- 3 & 5 PCMCB Act | Sarkhej,<br>Ahmedabad |
| (10)       | 122/2009       | 406/420/ 120B, S- 3 & 5 PCMCB Act | Sarkhej,<br>Ahmedabad |
| (11)       | 129/2009       | 406/420/ 120B, S- 3 & 5 PCMCB Act | Sarkhej,<br>Ahmedabad |
| (12)       | 130/2009       | 406/420/ 120B, S- 3 & 5 PCMCB Act | Sarkhej,<br>Ahmedabad |
| (13)       | 151/2009       | 406/420/ 120B, S- 3 & 5 PCMCB Act | Sarkhej,<br>Ahmedabad |
| (14)       | 169/2009       | 406/420/ 120B, S- 3 & 5 PCMCB Act | Sarkhej,<br>Ahmedabad |
| (15)       | 190/2009       | 406/420/ 120B, S- 3 & 5 PCMCB Act | Sarkhej,<br>Ahmedabad |
| (16)       | 198/2009       | 406/420/ 120B, S- 3 & 5 PCMCB Act | Sarkhej,<br>Ahmedabad |
| (17)       | 199/2009       | 406/420/ 120B, S- 3 & 5 PCMCB Act | Sarkhej,<br>Ahmedabad |
| (18)       | 208/2009       | 406/420/ 120B, S- 3 & 5 PCMCB Act | Sarkhej,<br>Ahmedabad |
| (19)       | 224/2009       | 406/420/ 120B, S- 3 & 5 PCMCB Act | Sarkhej,<br>Ahmedabad |
| (20)       | 318/2009       | 406/420/ 120B, S- 3 & 5 PCMCB Act | Sarkhej,<br>Ahmedabad |
| (21)       | 324/2009       | 406/420/ 120B, S- 3 & 5 PCMCB Act | Sarkhej,<br>Ahmedabad |

|      |          |                                   |                       |
|------|----------|-----------------------------------|-----------------------|
| (22) | 330/2009 | 406/420/ 120B, S- 3 & 5 PCMCB Act | Sarkhej,<br>Ahmedabad |
| (23) | 17/2010  | 406/420/ 120B, S- 3 & 5 PCMCB Act | Sarkhej,<br>Ahmedabad |
| (24) | 21/2010  | 406/420/ 120B, S- 3 & 5 PCMCB Act | Sarkhej,<br>Ahmedabad |
| (25) | 25/2010  | 406/420/ 120B, S- 3 & 5 PCMCB Act | Sarkhej,<br>Ahmedabad |
| (26) | 28/2010  | 406/420/ 120B, S- 3 & 5 PCMCB Act | Sarkhej,<br>Ahmedabad |
| (27) | 30/2010  | 406/420/ 120B, S- 3 & 5 PCMCB Act | Sarkhej,<br>Ahmedabad |
| (28) | 34/2010  | 406/420/ 120B, S- 3 & 5 PCMCB Act | Sarkhej,<br>Ahmedabad |

8. Co-accused Kanti Bhai is, thus, involved in 28 more cases of cheating. Investigating Officer was specifically asked whether he had brought to the notice of Coordinate Bench of this Court regarding involvement of the co-accused Kanti Bhai in 28 cases during the course of hearing. IO submitted that he had not brought the same to the notice of the Coordinate Bench of this Court and had also not filed the list of involvement of co-accused Kanti Bhai in 28 cases along with the Status Report.

9. It is very strange that Investigating Officer had not placed on record the previous involvement of co-accused Kanti Bhai to the Co-ordinate Bench of this Court and has also not brought to the notice of this Court also about the involvement of the petitioner Manoj Laxmi Chand Rathore in four more cases, though he has filed two Status Reports before this Court. It is only on specific query of this Court, this fact has been brought on record. Investigating Officer has failed to explain the fact as to why the involvement of the petitioners in other cases was not placed on record along with the Status reports and why it was not brought to the

notice of learned Additional Public Prosecutor. He has, however, stated that inadvertently the list of the previous involvement of petitioner Manoj Laxmi Chand Rathore and co-accused Kanti Bhai was not filed along with Status reports and it was never his intention to conceal the facts. The Investigating Officer is directed to be careful in future and is also directed to disclose all relevant facts/ material to the learned Additional Public Prosecutor as well as to the Court concerned.

10. Coming to the present bail application, co-accused persons Pinto, Shashi Kant, Kishor Bhai Jadeja and Bunti are evading their arrest. The petitioners are the nephews of the main king-pin Ashok Judeja. They along with other co-accuseds, have cheated about 1852 persons for an amount to the tune of Rs. 46,40,28,400/-. They have evaded the process of law and were declared proclaimed offenders and were arrested on 26.02.2019 i.e. after a period of 09 years. In view of the above facts appearing on record, role of the petitioners and also keeping in mind the huge amount of cheating involved and the fact that petitioners were declared proclaimed offenders and arrested after nine years, no grounds for grant of bail are made out. The bail application is, therefore, dismissed.

11. Copy of this order be sent electronically to the learned Trial Court / Jail Superintendent for compliance.

12. The order be uploaded on the website of this court forthwith.

**BRIJESH SETHI, J.**

**JULY 03, 2020**

AP