

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

Reserved on : 23.09.2021

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Pronounced on : 29.10.2021

+ **BAIL APPLN. 2664/2021**

CHAKRAVIR CHAUDHARI

..... Petitioner

Through: Mr. Akshay Chandra and Mr. Ankur
Singhal, Advocates.

versus

STATE OF NCT OF DELHI

.... Respondent

Through: Ms. Rajni Gupta, APP for the State
with SI Prabhat, EOW.

CORAM:

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

RAJNISH BHATNAGAR, J.

1. The present bail application has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case FIR No. 139/2015 under Section 420/467/468/471/120-B/34 IPC registered at P.S. EOW.

2. Briefly stated, the facts of the case are that a complaint of Wing Cdr. Tejveer Singh, Dy. Asst. Provost Marshal, No. 2 P & S Unit AF, Air Force Police HQ., Race Course, New Delhi was received in EOW stating that a case of fake recruitment racket was reported to Air Force

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Police HQ, Race Course, New Delhi. On preliminary enquiry, it was found that one civilian namely, Than Singh and one Air Force employee namely Corporal Chakravir Chaudhari (present petitioner) of 16 BRD, Air Force Pinto Park, Palam are running a fake recruitment racket for recruitment in Air Force and in Indian Railway. It was found that they have duped a large number of persons by promising them jobs in IAF and Indian Railway and cheated an amount of Rs. 2.7 crores(approx) on the pretext of getting them job in IAF and Indian Railways.

3. On the basis of investigation done by Air Force Police HQ, Race Course, New Delhi, Corporal Chakravir Chaudhary (present petitioner) had been placed under close arrest by Air Force authority, pending departmental action against him. The complainant requested to lodge FIR in this matter and also enclosed the enquiry report alongwith the statement of alleged Corporal Chakravir Chaudhari (present petitioner).

4. As per the status report, during course of investigation, statements of 18 victims were recorded U/s 161 Cr.P.C who stated that two persons namely Than Singh and Chakravir Chaudhari (present petitioner) induced them that they would get them selected in Air Force and railway. They further stated that above mentioned two persons had collected originals as well as photocopies of their educational certificates and also collected huge amount of Rs. 2.7 crores from

them. Thereafter these two accused persons issued forged/fake call letters and joining letters and thus they cheated them.

5. I have heard the Ld. counsel for the petitioner, Ld. APP for the State and perused the records of this case and the Status Report filed by the State.

6. It is submitted by the Ld. counsel for the petitioner that the petitioner has been falsely implicated in the present case. He further submitted that the police officials/IO of the case has not conducted the investigation fairly rather they have got their own vendetta which can be seen from the fact that the FIR was registered on 20.08.2015 but the first accused was arrested only on 28.11.2019 and the present petitioner was arrested on 05.01.2021 from his permanent address.

7. He further submitted that there is not even an iota of evidence against the petitioner. He further submitted that co-accused Than Singh against whom the charge sheet was filed on 25.02.2020 was granted regular bail by the Trial Court on 24.04.2021. He further submitted that the investigation qua the present petitioner is complete and the supplementary charge sheet against the present petitioner has already been filed. He further submitted that there has been huge discrepancy in the amount which is alleged to have been paid by the 17 witnesses. At one part of the charge sheet it is mentioned that Rs. 2.7 crore have been paid by the witnesses whereas after adding up the amount, in the

table as provided in the charge sheet it shows that Rs. 1,09,20,000/- have been paid by the witnesses. Therefore, there is self contraction in the said charge sheet. He further submitted that there are 23 witnesses and more than 500 document/pages which have been filed alongwith the charge sheet, so the trial will take considerable time to conclude. He further submitted that the petitioner/accused is in J.C. since 08.01.2021 and no purpose would be served by keeping him in judicial custody as nothing is to be recovered from him.

8. On the other hand, it is submitted by the Ld. APP for the state that the allegations against the petitioner who is a Government Official are grave and serious in nature. She further submitted that petitioner alongwith his co-accused Than Singh is involved in running a fake recruitment racket. She further submitted that petitioner had cheated an amount of Rs. 2.7 crores from various persons by promising them job in IAF and Indian Railway. She further submitted that petitioner/accused also issued them forged call letters and joining letters and thus he cheated them. She further stated that disclosure of the petitioner corroborated that fake recruitment was undertaken alluring to native victims in order to cheat them for gaining huge amount. She further submitted that three mobile devices of Corporal Chakravir Chaudhari (present petitioner) were seized during investigation and from the seized devices, many incriminating chat, audio and photos regarding the money transaction among the victims

and accused persons were found. She further submitted that in case of release on bail, the petitioner may tamper the evidence, influence the witnesses and can even flee from justice as he evaded the process of investigation for a long time and even declared proclaimed offender.

9. In the instant case, the charge sheet has already been filed. Co-accused Than Singh on the similar allegations has already been granted bail. No receipt has been brought on record by the prosecution to show that the alleged transaction of Rs. 2.7 crore from several aspiring candidates were made by the petitioner who as per the allegations were cheated by the petitioner on the pretext of getting them job in Indian Air Force and Indian Railway. Rather it is mentioned in the Status Report that all the transactions were in the form of cash without any receipt which is a matter of trial and cannot be looked into at this stage.

10. The petitioner is in J.C. since 08.01.2021. Nothing is to be recovered from him. As per the Status report three mobile devices of petitioner has already been seized during the investigation. The trial would take a long time. Co-accused with similar allegations has already been released on bail. As far as the contention of the Ld. APP that in case the petitioner is released on bail, he can tamper with the evidence, threaten the witnesses and can flee from justice, it appears to be only an apprehension. In any case, this aspect of the matter can be taken care of by putting stringent conditions on the petitioner.

11. Keeping in view the facts and circumstances of this case and the discussions mentioned hereinabove, the bail application is allowed and the petitioner is admitted to bail on his furnishing a personal bond in the sum of Rs. 50,000/- with one surety of the like amount to the satisfaction of the Ld. Trial Court, subject to the following conditions:-

- (a) The petitioner shall not leave the country without the permission of the trial Court;
- (b) He shall not tamper with the evidence or threaten the witnesses.

12. It is made clear that in case these conditions are violated, the prosecution is at liberty to move an application for revocation of the grant of bail to the present petitioner. The bail application is disposed of accordingly.

13. Nothing stated hereinabove, shall tantamount to the expression of any opinion on the merits of this case.

RAJNISH BHATNAGAR, J

OCTOBER 29, 2021

Sumant