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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
% *Order pronounced on 12.10.2022*

+ BAIL APPLN. 561/2022

RAJ K P SINHA

..... Petitioner

Through: Mr. Bijender Chahar, Senior
Advocate with Ms. Shashi Bhushan,
Ms. Jyoti Chahar and Mr. Karan
Chahar, Advocates.

versus

STATE (GOVT. OF NCT OF DELHI)

.....Respondent

Through: Mr. N.S.Bajwa, APP for State.
SI Inderveer Singh, PS Laxmi Nagar.

CORAM:

HON'BLE MR. JUSTICE TALWANT SINGH

Talwant Singh, J.:

1. This is an application for regular bail moved on behalf of the applicant, who is an accused in case FIR No. 13/2020 under Section 406/420/34 Indian Penal Code, 1860, registered with PS Laxmi Nagar on 08.01.2020.
2. Petitioner is in judicial custody since 24.08.2021. The allegations in the FIR have been detailed that a staff member of 'The Scouts/Guides Organisation' took Rs. 70,000/- from the complainant for getting him employment on 12.04.2019 and thereafter the complainant had talked to him on many occasions. On 05.08.2019 complainant went to the office of the Director and asked for his money. He also handed over his bank account details and a cancelled cheque and it was promised that the money would be returned to him after 60 days but till 23.11.2019 nothing was refunded. The

petitioner is Director of the Scouts/Guides Organisation.

2.1 The office of The Scouts/Guides Organisation was found closed on 23.12.2019. The FIR was registered with the remarks that there were two more complainants, one of them is Mr. Ashutosh Tiwari and the other is Mr. Gaurav.

2.2 It has been submitted on behalf of the applicant that he has not been named in the FIR and there is no allegation against him. The FIR was registered almost after eight months of the alleged incident of taking money and the prayer made by the complainant was just for refund of his money from Divesh, which is a sole dispute. There is no allegation to say that Mr. Divesh has represented to the complainant and he has been authorised by the present applicant or The Scouts/Guides Organisation to ask for money on the pretext of offering the job. The act of taking money by Divesh is an independent act.

2.3 The present applicant was arrested after 1½ years of registration of FIR on 24.08.2021. The bail application under Section 437 Cr.P.C. was rejected by learned Metropolitan Magistrate, District East, Karkardooma on the grounds that there have been several other similar complaints alleging cheating upon false promises of providing jobs; the organisation is not affiliated or registered with the concerned Ministry and considering the gravity and seriousness of the offence and investigation being at initial stages, hence the bail was rejected.

2.4 Another bail application was preferred before the learned Addl. Sessions Judge. The said bail application was dismissed on 30.09.2021 by observing that the applicant has been previously involved in several other cases of similar nature. On 19.10.2021 final report under Section 173

Cr.P.C. (charge-sheet) was filed in which it is stated that as per the statement of accused Divesh recorded under Section 161 Cr.P.C. he had taken money from others on asking by the present petitioner and Ms. Anita Sinha. After taking money from one Mahender Kumar Meena he gave it to Ms. Anita Sinha and he had asked the present petitioner to return the money but he did not return it. Complaints of other victims have been clubbed and their statements under Section 161 Cr.P.C. have also been recorded. The Scouts/Guides Organisation is not recognized by the Government and there have been other pending cases and moreover investigation was continuing in respect of other co-accused.

2.5 The applicant on 29.12.2021 moved another application for bail before learned Addl. Sessions Judge. This application was dismissed on 22.01.2022 observing that the allegations regarding cheating of several lakhs of rupees and fake appointment letters being issued without any authorisation from the Ministry of Youth Affairs and Sports.

2.6 It has been submitted in order dated 22.12.2017 passed in Writ Petition (C) 11659/2017 titled as '*The Scouts Guides Organization v. UOI*' that the recognition from Union of India would be required only if the organization seeks any financial assistance. The applicant has already been bailed out in case No. 224/2013 registered at Patrakar Nagar Bihar. Moreover, the ASJ, Meerut vide order dated 07.03.2019 has also granted bail to the applicant in FIR No. 67/2019, lodged at PS Mawana, Meerut, U.P. The petitioner has also been granted bail on 01.05.2019 by learned Addl. Sessions Judge in case FIR No.36/2019 at PS Ganganagar. The applicant is stated to be aged about 54 years and is suffering from diseases like Sugar, Blood Pressure, Arthritis and he is the only person to look after

his family.

2.7 The grounds of bail are that he has been falsely implicated by the informant and pendency of the other FIRs in other States cannot be a ground not to grant bail in the present case; it has not been considered by the learned ASJ that the applicant is on bail in all other matters. The order in W.P.C. No. 11659/2017 clears the fact that the recognition would be required only if the organisation is seeking financial assistance. The said organisation has tied up with many State Governments and the applicant has not been named in the present FIR. The matter is purely of civil nature.

3. Notice was issued. Status report has been filed mentioning that the FIR was registered on the complaint of one Mahender Kumar Meena, who alleged that he was cheated by 'The Scouts/Guides Organisation' on the pretext of providing job of Scout Master in school. He was charged Rs.70,000/- for appointment in school and Rs.60,000/- by a middle man for training purpose. During investigation, several other complaints were received and all the said complaints were clubbed with this case. Statements of complainants were recorded, the 'The Scouts/Guides Organisation' has provided training certificates, appointment letters and I.D. cards to the complainants and most of the amount has been taken in cash from them. Only few of the complainants were given appointments for a limited period. The said organisation is run by the present applicant and his wife Ms. Anita Sinha and they were operating through various offices but said offices were found closed during investigation. Other associates of the accused persons are operating in Delhi /NCR.

3.1 It has been found that the organization is not valid or recognized by the Government and no funds are being provided to it. The present

applicant has represented himself to be the National Commissioner of India/Director, Scout and Guide Organisation. The wife of petitioner and other accused are yet to be arrested. Charge-sheet against the present accused has been filed.

3.2 The bail application has been opposed on the grounds that the employee of the present applicant had taken Rs.70,000/- from the complainant Mahender Kumar Meena on the instruction of the present applicant and his wife. Other victims have given huge sums of money to the present applicant and his other associates including his wife. Bank account details of the applicant and his wife show that huge sums have been generated on day-to-day basis and the applicant is unable to explain the source of the same. If the bail is granted to the present applicant, he may pressurise the victim and tamper with the evidence. The present accused has already been arrested in similar types of cases in Bihar and U.P. as he has cheated several innocent people by running a fraud organization.

3.3 The State has also placed on record the letter dated 19.04.2022 received from the Ministry of Youth Affairs and Sport, which mentions that the Ministry has neither given recognition nor any affiliation to the 'The Scouts/Guides Organisation' and no grant has been given to the said organisation. A letter dated 13.06.2016 from the Ministry has also been placed on record wherein it was mentioned that the name of the Ministry was illegally used by the said organization. A letter was also written on 06.08.2021 by the Ministry to the IO mentioning therein that neither any affiliation has been granted to the organization nor any funds have been provided and a writ filed by the said organization was still subjudice. The copies of the offers and appointment letters issued by the organization run

by the petitioner have also been filed on record.

4. The notices were also issued to the complainants on 29.04.2022. The main complainant and four other witnesses were present in Court, who have submitted that in total they have paid Rs.23.00 lakhs to the present applicant/accused. Learned APP had pointed out that there was another complaint where Rs. 6 lakhs were given to the accused hence total cheated amount become Rs. 29 lakhs. No money has been returned by the applicant till date to the complainants and victims. In the bank account attached by the police only some small amounts were lying deposited.

5. Detailed arguments have been heard. During arguments it has been reiterated that the applicant has not been named in the FIR; it is a civil dispute of refund of about Rs.70,000/-; the 'The Scouts/Guides Organisation' is a duly registered organisation under the Societies Registration Act, which has been formed with intention to provide the Scout/Guiding training to youths for their strategic development and it has tied up with many State Governments for imparting training in primary and secondary school including GNCTD and Government of West Bengal, Kerala, Rajasthan and Bihar. The Trademark of the 'The Scouts/Guides Organisation' is duly registered. The petitioner is already on bail in other matters and civil writ petition is already pending seeking recognition from the Central Government. Under these circumstances, it has been prayed that the bail may be granted to the present applicants.

6. On the other hand, it has been argued on behalf of the State that there are serious allegations regarding cheating of several lakhs of rupees by the petitioner from many complainants and that he has not refunded the amount so cheated till date; fake appointment letters have been issued to the

innocent victims; and if the petitioner is released on bail, he may continue with the same activities of cheating.

7. I have gone through the documents on record. The Ministry of Youth Affairs and Sports has time and again declared that it has neither recognised 'The Scouts/Guides Organisation' nor it has been given any funding by the said Ministry. Copies of the appointment letters filed by the prosecution show that the present petitioner has designated himself as National Commissioner for India and he is issuing these appointment letters and offering fake permanent employment to the innocent persons. The said victims are being appointed as Scout Masters but these appointment letters are only based upon fake promises made and no such jobs have been actually offered to these persons. In the order sheet dated 28.04.2022, it has been noted that about Rs.29 lakhs have been taken by the present petitioner from the innocent victims/complainants but not even a single penny has been refunded to them till date by the petitioner to show his bonafides. Moreover, the bank accounts of the petitioner did not have any such money in, so that the victim may be compensated in part. The offence is serious in nature and the possibility of the petitioner indulging in the same offence, if he is released on bail, cannot be ruled out as there are many other FIRs registered against him, which should have been stopped him from indulging in the same offence. Given these circumstances, the possibility of the petitioner threatening or coercing the victim cannot be also ruled out, so, at this stage I am not inclined to grant the bail to the petitioner.

8. The petition is hereby dismissed.

TALWANT SINGH, J

OCTOBER 12, 2022/mr

Click here to check corrigendum, if any