

IN THE HIGH COURT OF JUDICATURE FOR  
RAJASTHAN BENCH AT JAIPUR

SB CR. MISC. BAIL APPLICATION NO. 7312/11.

Ajay Kumar Sharma – Applicant

Vs.

State of Rajasthan – Respondent

DATE OF ORDER : 27TH SEPTEMBER, 2011.

HON'BLE MS. JUSTICE BELA M. TRIVEDI

Mr. Madhav Mitra for the applicant.

Mr. Javed Choudhary, P.P.

Mr. R.M. Sharma for the complainant.

(1) The present application has been filed by the applicant-accused seeking his release on bail under Section 439 Cr.P.C. in connection with the FIR being No. 100/11 registered at Police Station, Vidhyadhar Nagar, Jaipur, Rajasthan for the offence under Sections 406, 420 and 120-B of IPC.

(2) It has been submitted by the learned counsel, Mr. Madhav Mitra, for the applicant that the complainant alongwith other persons who are also the complainants in the other six cases have made false allegations against the applicant. According to the learned counsel, the applicant was a Chef by profession and was earlier working at Vietnam. According to him, since the complainant was desirous of getting job abroad at Vietnam, and other countries, the complainant himself had voluntarily come to

Vietnam, and that whatever amount was spent by the complainant was for getting the Visa, Passport and Air Tickets for the complainant. He also submitted that there was no intention of the applicant to cheat the complainant or any other person and that he bonafide made attempts to get the job for the complainant and others. The learned counsel also submitted that the investigation is already over in the case and the charge-sheet has been submitted by the Investigating Officer and that the applicant is ready and willing to abide by the conditions that may be imposed by the court.

(3) However, the learned Public Prosecutor, Mr. Javed Choudhary with learned counsel Mr. R.M. Sharma for the complainant submitted that the complainant and other persons who are also complainants in other cases registered against the applicant, were made to spend a huge amount by the applicant, and that he had allured and induced the complainant and others to come to Vietnam and assured them for job in the hotels but then he did not keep his promises, and cheated the complainants. They also submitted that considering the gravity

of the offence, the bail application should be dismissed.

(4) Having regard to the submissions made by the learned counsels for the parties and the documents on record it transpires that the complainant in the present case and other persons who are also the complainants in other six cases, have lodged the complaints against the present applicant and his wife alleging inter alia that the applicant had induced them to come to Vietnam and made them to spend a huge amount for getting the job. It has also been alleged that the complainant and others having gone to Vietnam, the applicant misbehaved with them and did not fulfill the assurances given by him for giving the jobs in the various hotels and, therefore, they had to come back. Though it is a very serious matter, since the investigation is already over, there is hardly any possibility of the applicant tempering with the evidence or the witnesses. Under the circumstances without entering into the merits of the case, the present application deserves to be allowed.

(5) The applicant named Ajay Kumar Sharma S/o Shri Ram Sahai Sharma shall be

released on bail in connection with FIR No. 100/2011 registered at P.S. Vidhyadhar Nagar, Jaipur (Rajasthan), on his furnishing personal bond of Rs. 50,000/- and the two sureties of the like amount to the satisfaction of the trial court, on the following conditions: -

(a) that the applicant shall make himself available for interrogation by the Investigation Officer as and when required and shall cooperate with the investigation by the Investigation Officer ;

(b) the applicant shall not commit any offence similar to the offence of which he is accused or suspected, of the commission of which he is suspected;

(c) that the applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him from disclosing such facts to the court or to any police officer or temper with the evidence;

(d) that the applicant shall attend the concerned court as and when directed and found necessary;

(e) that the applicant shall not leave the territory of Rajasthan without previous

permission of the concerned trial court;

(f) that the applicant shall deposit his passport, before the trial court;

(g) that the applicant shall furnish his present correct residential address alongwith the contact number before the trial court and shall also intimate the change, if any, which may take place in future, to the trial court.

(BELA M. TRIVEDI) J.

MRG.