

IN THE COURT OF ANKUR JAIN
ADDITIONAL SESSIONS JUDGE: SFTC (WEST)-01: DELHI

Bail Application No. : 1714

State Vs. Mohd. Akbar Khan
P.S.: Ranholia
FIR No : 734/20
U/s. : 420/120B IPC

27.08.2020.

Present: Sh. Subhash Chauhan, Ld. Addl. PP for the State.
Ms. Aarti Pandey Ld. Counsel from DCW.
Sh. Mohd. Tahir, Ld. Counsel for the accused.
Complainant Ms. Aasma Khatoon in person.
HC Ankit Dahiya Naib Court.
IO SI Amit Rathee in person.

Report filed by the IO. Copy of the same be supplied to the counsel for the accused/applicant. With the consent arguments heard.

Put up for orders.

(Ankur Jain)
ASJ (SFTC-01) West
Delhi: 27.08.2020

ORDER:-

01. The brief facts of the case are that a complaint was given by one Aasma Khatoon to the effect that in March, 2019 her Jija/applicant assured her that he would get a government job in Railways for her with the help of one Politician namely Sameer. On this pretext Rs. 12 Lacs were obtained by the applicant on different occasions but despite the assurance she could not get the job. On these allegations the present FIR was registered.

02. Ld. Counsel for the accused has argued that in fact applicant is only a PSO and the entire amount was given to Sameer. It is also argued that applicant is also a victim to the fraud and therefore, deserves to be granted anticipatory bail.

03. On the other hand Ld. Addl. PP for the State has argued that after the last date of hearing accused has joined the investigation but had not co-operated with the IO. It is also argued that it is the applicant who induced the complainant to part with her money as there was a fiduciary relationship between them and the entire money was rooted through the account of the applicant.

04. I have heard Ld. Counsel for the accused and Ld. Addl. PP for the State and perused the record.

05. In the complaint it is specifically stated that accused induced the complainant to get a Govt. job in Railways without any exam through Minister's Quota. As per the investigation carried out, the complainant took a loan of Rs. 5 Lakhs from bank and took another loan of Rs. 5,00,000/- by mortgaging her property. A sum of Rs. 6 Lakhs were transferred through NEFT in the account of the applicant and a sum of Rs. 3 Lakhs were transferred in the account of Sameer. During the course of investigation details of bank account of accused Sameer and Akbar Khan were obtained which revealed that applicant is maintaining many accounts out of which details of two bank accounts reflects that transactions of many Lakhs of rupees are there. It was also revealed that there is one more victim who has been defrauded by the present applicant on the pretext of getting a Govt. job. Despite notices accused did not join the investigation.

06. On 18.08.2020 the Predecessor of this court granted protection to the accused and directed him to join the investigation. Pursuant to that accused join the investigation and it was revealed that he had collected the



money from four victims. During the course of investigation he also did not provide the details of other co-accused persons.

07. The arguments of the Ld. Counsel for the accused that there is a delay in registration of the FIR is not a ground which can be considered at this stage. It was also argued that the money was transferred to Sameer, therefore, accused has no role to play. Ld. Counsel for the accused was put a specific query as to why his account was used for the transactions, the counsel was unable to satisfy this court and gave a wavering answer that in fact he had given loan to Sameer. No transaction has been shown to this court which could establish or prima-facie show that in fact a loan was given by the applicant to Mohd. Sameer. Even if for the sake of arguments it is assumed that loan was given by the applicant, how is that relevant to the facts of the present case as the same is between the accused and Md. Sameer. No doubt on record a photocopy of cheque is placed which shows that Mohd. Sameer had issued a cheque in favour of the present applicant but that could not absolve the accused from his liability towards the complainant. Moreover court is unable to appreciate this fact as it belies common sense as a person who is working as a PSO would not give loan to his own employer.

08. Considering the facts and circumstances of the case as discussed above I do not find any ground to admit the accused to anticipatory bail. Application stands dismissed.

Copy of the order be given dasti.

(Ankur Jain)
ASJ (SFTC-01) West
Delhi: 27.08.2020