

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Criminal Miscellaneous Bail Application No. 1235/2023

Sheetal Mittal S/o Shri Anil, Aged About 42 Years, R/o House No. 77/c-10, Amukeshnagar, J-Gopal Gupta Gali, Glasiyar Gular Road, Sahadara, Delhi-East.

-----Petitioner

Versus

State Of Rajasthan, Through Pp, Rajasthan High Court, Jodhpur.

-----Respondent

S.B. Criminal Miscellaneous Bail Application No. 1718/2023

Sheetal S/o Sh. Anil, Aged About 42 Years, H.no. 77/c-10, Amukeshnagar, J-Gopal Gupta Gali, Glasiyar Gular Road, Sahadara, Delhi-East.

-----Petitioner

Versus

State Of Rajasthan, Through Pp, Rajasthan High Court, Jodhpur.

-----Respondent

S.B. Criminal Miscellaneous Bail Application No. 1720/2023

Sheetal S/o Sh. Anil, Aged About 42 Years, H.no. 77/c-10, Amukeshnagar, J-Gopal Gupta Gali, Glasiyar Gular Road, Sahadara, Delhi-East.

-----Petitioner

Versus

State, Through Pp, Rajasthan High Court, Jodhpur.

-----Respondent

S.B. Criminal Miscellaneous Bail Application No. 1722/2023

Sheetal S/o Sh. Anil, Aged About 42 Years, H.no. 77/c-10, Amukeshnagar, J-Gopal Gupta Gali, Glasiyar Gular Road, Sahadara, Delhi-East.

-----Petitioner

Versus

State Of Rajasthan, Through Pp, Rajasthan High Court, Jodhpur.

-----Respondent

S.B. Criminal Miscellaneous Bail Application No. 1724/2023

Sheetal S/o Sh. Anil, Aged About 42 Years, H.no. 77/c-10, Amukeshnagar, J-Gopal Gupta Gali, Glasiyar Gular Road, Sahadara, Delhi-East.

-----Petitioner

Versus

State Of Rajasthan, Through Pp, Rajasthan High Court, Jodhpur.

-----Respondent

S.B. Criminal Miscellaneous Bail Application No. 1726/2023

Sheetal S/o Sh. Anil, Aged About 42 Years, H.no. 77/c-10,



Amukeshnagar, J-Gopal Gupta Gali, Glasiyar Gular Road,
Sahadara, Delhi-East.

----Petitioner

Versus

State Of Rajasthan, Through Pp, Rajasthan High Court, Jodhpur.

----Respondent

S.B. Criminal Miscellaneous Bail Application No. 1727/2023

Sheetal S/o Sh. Anil, Aged About 42 Years, H.no. 77/c-10,
Amukeshnagar, J-Gopal Gupta Gali, Glasiyar Gular Road,
Sahadara, Delhi-East.

----Petitioner

Versus

State Of Rajasthan, Through Pp, Rajasthan High Court, Jodhpur.

----Respondent

S.B. Criminal Miscellaneous Bail Application No. 1729/2023

Sheetal S/o Sh. Anil, Aged About 42 Years, H.no. 77/c-10,
Amukeshnagar, J-Gopal Gupta Gali, Glasiyar Gular Road,
Sahadara, Delhi-East.

----Petitioner

Versus

State Of Rajasthan, Through Pp, Rajasthan High Court, Jodhpur.

----Respondent

S.B. Criminal Miscellaneous Bail Application No. 1730/2023

Sheetal S/o Sh. Anil, Aged About 42 Years, H.no. 77/c-10,
Amukeshnagar, J-Gopal Gupta Gali, Glasiyar Gular Road,
Sahadara, Delhi-East.

----Petitioner

Versus

State Of Rajasthan, Through Pp, Rajasthan High Court, Jodhpur.

----Respondent

S.B. Criminal Miscellaneous Bail Application No. 1962/2023

Padam S/o Late Shri Jyoti Prakash, Aged About 52 Years, R/o
Jwala Nagar, Delhi - East (India).

----Petitioner

Versus

State Of Rajasthan, Through Pp, Rajasthan High Court, Jodhpur.

----Respondent

S.B. Criminal Miscellaneous Bail Application No. 2205/2023

Padam S/o Lt. Sh. Jyoti Prakash, Aged About 52 Years, Jwala
Nagar, Delhi East (India).

----Petitioner

Versus



State Of Rajasthan, Through Pp, Rajasthan High Court, Jodhpur.
----Respondent

S.B. Criminal Miscellaneous Bail Application No. 2207/2023

Padam S/o Lt. Sh. Jyoti Prakash, Aged About 52 Years, Jwala
Nagar, Sahadara, Delhi-East (India).

----Petitioner

Versus

State Of Rajasthan, Through Pp, Rajasthan High Court, Jodhpur.
----Respondent

S.B. Criminal Miscellaneous Bail Application No. 2208/2023

Padam S/o Lt. Sh. Jyoti Prakash, Aged About 52 Years, Jwala
Nagar, Sahadara, Delhi-East (India).

----Petitioner

Versus

State, Through Pp, Rajasthan High Court, Jodhpur.
----Respondent

S.B. Criminal Miscellaneous Bail Application No. 2209/2023

Padam S/o Lt. Sh. Jyoti Prakash, Aged About 52 Years, Jwala
Nagar, Sahadara, Delhi-East (India).

----Petitioner

Versus

State, Through Pp, Rajasthan High Court, Jodhpur.
----Respondent

S.B. Criminal Miscellaneous Bail Application No. 2213/2023

Padam S/o Late Shri Jyoti Prakash, Aged About 52 Years, R/o
Jwala Nagar, Sahadara, Delhi - East (India)

----Petitioner

Versus

State Of Rajasthan, Through Pp Rajasthan High Court, Jodhpur.
----Respondent

S.B. Criminal Miscellaneous Bail Application No. 2214/2023

Padam S/o Late Shri Jyoti Prakash, Aged About 52 Years, R/o
Jwala Nagar, Sahadara, Delhi - East (India)

----Petitioner

Versus

State Of Rajasthan, Through Pp Rajasthan High Court, Jodhpur.
----Respondent

S.B. Criminal Miscellaneous Bail Application No. 2216/2023

Padam S/o Late Shri Jyoti Prakash, Aged About 52 Years, R/o
Jwala Nagar, Sahadara, Delhi - East (India)

----Petitioner

Versus





State Of Rajasthan, Through Pp Rajashtan High Court, Jodhpur.

----Respondent

S.B. Criminal Miscellaneous Bail Application No. 2218/2023

Padam S/o Late Shri Jyoti Prakash, Aged About 52 Years, R/o
Jwala Nagar, Sahadara, Delhi - East (India)

----Petitioner

Versus

State Of Rajasthan, Through Pp Rajasthan High Court, Jodhpur.

----Respondent

S.B. Criminal Miscellaneous Bail Application No. 2215/2023

Padam S/o Late Shri Jyoti Prakash, Aged About 52 Years, R/o
Jwala Nagar, Sahadara, Delhi - East (India)

----Petitioner

Versus

State Of Rajasthan, Through Pp Rajasthan High Court, Jodhpur.

----Respondent

S.B. Criminal Miscellaneous Bail Application No. 1873/2023

Sheetal S/o Sh. Anil, Aged About 42 Years, H.no. 77/c-10,
Amukeshnagar, J-Gopal Gupta Gali, Glasiyar Gular Road,
Sahadara, Delhi-East.

----Petitioner

Versus

State Of Rajasthan, Through Pp, Rajasthan High Court,
Jodhpur.

----Respondent

For Petitioner(s) : Mr. Bhavit Sharma

For Respondent(s) : Mr. S.K. Bhati, PP

HON'BLE MR. JUSTICE PRAVEER BHATNAGAR

Order

06/04/2023

The instant bail applications under Section 438 Cr.P.C. have been filed by the petitioners – Sheetal and Padam, apprehending their arrest in connection with FIR Nos. 436/2022, 524/2022, 522/2022, 503/2022, 526/2022, 530/2022, 519/2022, 529/2022,



525/2022, 436/2022, 519/2022, 525/2022, 503/2022, 529/2022, 526/2022, 522/2022, 524/2022, 530/2022, 435/2022 & 435/2022 registered at Police Station Pratapnagar, District Bhilwara for the offences punishable under Sections 406 & 420 IPC.

Learned counsel appearing for the petitioners Sheetal and Padam argued that the petitioners are engaged in trade and business at Delhi and received certain goods from the accused Harsh Garg and Sarvesh alias Vinod. He further argued that the petitioners did not have any direct involvement in the alleged crime in question and they are consumers only and have been falsely implicated in this FIRs lodged by different complainants viz. Kamlesh Gokhru, Naresh Godha, Sushil Sharma, Sandeep Kothari, Suresh Somani, Purshottam Mundra, Sanjay Kumar Jain, Madhu Laddha, Veeraj Kumar Jain and Mahendra Teli at Police Station Pratapnagar, District Bhilwara.

Learned counsel further argued that the alleged crime in question is purely of civil nature and it is a case of alleged non-payment of dues and not that of cheating and like offences. It is argued that police has also recovered goods in question and there is no need of custodial investigation from the accused-petitioners, therefore, their applications seeking anticipatory bail may be allowed.

Learned Public Prosecutor vehemently and fervently opposed the bail applications and submitted that from the investigation the documents submitted by the accused-petitioners during the course of investigation were found to be fabricated as the GST number, name of the Firm and other details were found to be non existent.



He further submitted that accused petitioners Sheetal and Padam submitted a forged bill indicating the purchase of the recovered clothes and further the investigation also reveals that accused Harsh Garg and Sarvesh alias Vinod purchased the clothes from the above stated complainants and after inducing them to deliver the goods, supplied the clothes to the present petitioners and present petitioners illegally sold the same goods in the market, thus accused-petitioners alongwith accused Harsh Garg and Sarvesh alias Vinod duped the complainants and causing them loss in tune to approximately rupees three crores.

He further argued that the investigation also discloses that initially accused Harsh Garg and Sarvesh alias Vinod paid some amount to the complainants and later on fled away from the alleged place of business, switched off their mobiles and in a conspiracy with the petitioners misappropriated the above amount, therefore, it is a case of cheating & fraud and custodial investigation may lead to further clues regarding the misappropriated goods.

Heard learned counsel for the petitioners as well as learned Public Prosecutor and perused the material available on the record.

From the perusal of the case diaries and the investigation, so far taken place, it is apparent that accused Harsh Garg and Sarvesh alias Vinod purchased the goods from the complainants named in the various FIRs and after constituting the fake firm induced the complainants to sold their goods and later on fled away from the place of business, switched off their mobiles and in



conspiracy with the present petitioners misappropriated the goods received from complainant and illegally sold it in the market.

The investigation also reveals that the accused-petitioners submitted a forged bill showing the purchase of the recovered clothes indicating a fake Firm viz. Vandana Fabrics and also illegally supplied the goods in the market. Thus, causing loss to the complainants in tune of approximately rupees three crores. It is further to notice that the so called documents submitted by the accused-petitioners, stating the purchase of clothes, were found to be forged and fabricated as the GST number, name of the Firm and other details were non existing. The investigation further demonstrates that accused-petitioners were constantly in touch with main accused Harsh Garg and Sarvesh alias Vinod through calls indicating their active role in commission of the crime and deceiving the complainants by extracting money in tune to rupees three crores.

The above narration itself is adequate and demonstrates that the accused persons were hand in glove with each other to squeeze the money from the complainants. It is also pertinent to note that an investigation against the accused persons is still pending and, therefore, custodial investigation may further lead to recovery and disclosure of facts for the allegedly misappropriated goods.

The petitioners have so far evaded the custodial investigation by filing the criminal misc. petitions under Sections 482 Cr.P.C., which resultantly culminated in its dismissal and a further effort to escape from the arrest through the present bail applications, also miserably errs.



Having regard to the overall facts and circumstances of the case, this Court is not inclined to grant the anticipatory bail to the accused-petitioners.

Accordingly, the bail applications under Section 438 Cr.P.C. filed by the accused-petitioners Sheetal and Padam are dismissed.

(PRAVEER BHATNAGAR),J

AK Chouhan/-

