

# Virendra Kumar Jaiswal @ Montu vs State Of Chhattisgarh on 16 December, 2024

**Author: Narendra Kumar Vyas**

**Bench: Narendra Kumar Vyas**

Pa

2024:CGHC:4953

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 6490 of 2024

Reserved on : 13.11.2024

Delivered on : 16.12.2024

1 - Shiv Shankar Naag S/o Shri Prem Lal Naag Aged About 40 Years R/o Village, Amlidih, Post-Mudibhawar, Tehsil-Magarload, District- Dhamtari (C.G.)

---- App

versus

1 - Anti-Corruption Bureau/ Economic Offence Wing Raipur, District Raipur (C.G.)

---- Respo

1 - Roshan Kumar Singh S/o Late Shri Ganesh Singh Aged About 39 Years R/o House No. 202, Second Floor, Jeevan Niketan, Rajeev Nagar, Distt. Raipur (C.G.) Permanent R/o Village Baranda, P.S. Dhibara, Distt. Aurangabad, Bihar.

---- Applicant Versus 1 - State of Chhattisgarh ACB & EOW, Chhattisgarh Police Raipur (C.G.)

---- Respondent 1 - Sheikh Moinuddin Qureshi S/o Late Shamsuddin Qureshi Aged About 50 Years R/o Priyadarshani Nagar, Near Ayesha Masjid, House No. 429, Panchpedi Naka, District : Raipur, Chhattisgarh

---- Applicant Versus 1 - State of Chhattisgarh ACB & EOW, Chhattisgarh Police, District : Raipur, Chhattisgarh

---- Respondent Digitally signed by ARUN ARUN KUMAR KUMAR DEWANGAN DEWANGAN  
Date:

2024.12.16 16:37:12 +0530 1 - Sandeep Kumar Nayak S/o Kirti Chand Nayak Aged About 42 Years R/o Village Dantu, Post Dantu, P.S. Kasmaar, District Bokaro, Jharkhand.

---- Applicant Versus 1 - State of Chhattisgarh Through Police Station Eow/ ACB Raipur District Raipur (C.G.)

---- Respondent 1 - Chandra Prakash Jaiswal S/o Late Babu Lal Jaiswal Aged About 52 Years R/o H.No. 178 Ward No. 04, Durpa Road, Korba, Chhattisgarh

---- Applicant Versus 1 - State of Chhattisgarh Through, Police Station Anti- Corruption Bureau/economic Offences Wing (ACB/EOW) Raipur, District Raipur, Chhattisgarh

---- Respondent 1 - Virendra Kumar Jaiswal @ Montu S/o Late Shankar Lal Jaiswal Aged About 41 Years R/o House No. 392 Ward No. 03, Durpa Road, Korba, Chhattisgarh.

---- Applicant Versus 1 - State of Chhattisgarh Through Police Station Anti-Corruption Bureau/economic Offences Wing (ACB/EOW), Raipur, District - Raipur, Chhattisgarh.

---- Respondent 1 - Hemant Jaiswal S/o Late Shri Babulal Jaiswal Aged About 56 Years R/o Amaltash Colony Shanti Nagar Bilaspur District - Bilaspur (C.G.)

---- Applicant Versus 1 - State of Chhattisgarh Through Additional Superintendent Of Police Economic Offence Wing/ Anti Corruption Bureau District - Raipur (C.G.)

---- Respondent and 1 - Parekh Kurre S/o Dilip Kurre Aged About 30 Years R/o Village Jharagaon, P.S. Jharagaon, District Mungeli, Chhattisgarh. (Father Name As Per Fir)

---- Applicant Versus 1 - Economic Offence Wing and Anti Corruption Bureau Through Deputy Superintendent of Police, District Raipur, Chhattisgarh.

---- Respondent For Applicant : Mr. Basant Dewangan, Advocate on behalf (in MCRC No. 6490 of 2024) of Mr. Krishna Tandan, Advocate. For applicants : Mr. Manoj Paranjpe & Mr. Arpan Verma, (in MCRC No. 7041 of 2024 Advocate.

& MCRC No. 7093 of 2024) For Applicant : Mr. Vaibhav P. Shukla, Advocate.

(in MCRC No. 7210 of 2024)

For Applicant : Mr. Amrito Das, Advocate.  
(in MCRC No. 7292 of 2024)

For Applicant : Mr. Kishore Bhaduri, Sr. Advocate with Mr.  
(in MCRC No. 7419 of 2024) Mohit Kumar, Advocate.

For Applicant : Ms. Juhi Jaiswal, Advocate.

(in MCRC No. 7615 of 2024)

For Applicant : Mr. Soumya Rai, Advocate.  
(in MCRC No. 6919 of 2024)

For State/ACB/EOW : Dr. Saurbh Kumar Pande, Dy. A.G.

Hon'ble Shri Justice Narendra Kumar Vyas

CAV ORDER

1. Since all the bail applications have arisen out of same crime number, they are heard analogously and are being disposed of by this common order but the role played by each of the applicants has been considered separately.

2. All the bail applications are first bail applications filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants (Shiv Shankar Naag), (Chandra Prakash Jaiswal, Virendra Prakash Jaiswal @ Montu & Hemant Jaiswal) (Parekh Kurre, Roshan Kumar Singh, Sheikh Moinuddin Qureshi & Sandeep Kumar Nayak) who have been arrested on 11.06.2024, 13.06.2024 & 18.06.2024 respectively in connection with Crime No. 03/2024 registered at Police Station- Anti Corruption Bureau/ Economic Offence Wing Chhattisgarh, Raipur, District- Raipur (C.G.) for the offence punishable under Sections 420, 120-B, 384 of IPC and Section 7, 7-A, 12 of the Prevention of Corruption Act, 1988.

3. The case of the prosecution in brief is that on 11.01.2024, one Mr. Sandeep Ahuja, Deputy Director, Directorate of Enforcement, Raipur through Mr. Farhan Qureshi, Deputy Superintendent of Police lodged a complaint before the Director General of Police Anti Corruption Bureau & Economic Offences Wing, Chhattisgarh pertaining to predicate offence discovered during the money laundering in investigation File No. ECIR/RPZO/09/2022 was done under Section 66(2) of the Prevention of Money Laundering Act, 2002 (for short "the PMLA"). Thereafter, an offence bearing FIR No. 03/2024 has been registered on 17.01.2024 at Police Station ACB/EOW Raipur (C.G.) against 35 accused persons namely Smt. Saumya Chaurasiya, Sameer Bisnoi, Smt. Ranu Sahu, Sandeep Kumar Nayak (MCRC No. 7210/2024), Shivshankar Nag (MCRC No. 6490/2024), Suryakant Tiwari, Manish Upadhyay, Roshan Kumar Singh (MCRC No. 7041/2024), Nikhil Chandrakar, Rahul Singh, Parekh Kurre (MCRC No. 6919/2024), Moinuddin Qureshi (MCRC No. 7093/2024), Virendra Jaiswal (MCRC No. 7615/2024), Rajnikant Tiwari, Hemant Jaiswal (MCRC No. 7419/2024), Joginder Singh, Nawneet Tiwari, Deepesh Taunk, Devendra Dadsena, Rahul Mishra, Ramgopal Agrawal, Devendra Singh Yadav, Shishupal Sori, Rampratap Singh, Vinod Tiwari, Amarjeet Bhagat, Chandradeo Prasad Rai, Brashpat Singh, Idrish Gandhi, Gulab Kamro, Shri U.D. Minj, Sunil Kumar Agrawal, Jai (friend of Suryakant), Chandraparakash Jaiswal (MCRC No. 7292/2024), Laxmikant Tiwari & others.

4. Further case of the prosecution is that a syndicate comprised of private individuals and other State Government functionaries like Smt. Saumya Chaurasia, Shri Sameer Vishnoi IAS, State Mining Officers and with the backing of some political executives, they managed to make deliberate

policy changes. As part of the well-planned conspiracy, Suryakant Tiwari, with the active support of the politicians & some of the senior State Government functionaries, managed to influence Shri Sameer Vishnoi IAS, the then Director of Geology & Mining, and got issued a Government Order dated 15.07.2020 which became the fountain head of this extortion system by converting the online system of issuance of Transport Permits into a manual system. They started a network of extortion to collect Rs. 25 per on every tonne of coal transported in the State of Chhattisgarh. The investigation conducted by the Enforcement Directorate revealed that other senior bureaucrats viz., Smt. Saumya Chaurasia and Smt. Ranu Sahu, IAS were also involved in this conspiracy and were providing assistance to Suryakant Tiwari in running the extortion racket. Smt Saumya Chaurasia, Deputy Secretary and working in Chief Minister Office, had assisted Suryakant Tiwari and his associates in collecting the extortion money by posting pliable officers of mining department in the coal mining areas. Smt.. Ranu Sahu IAS, who worked as District Collector in coal rich Districts viz., Korba & Raigarh, had closed association with Suryakant Tiwari and helped his associates in collecting extortion money from the coal transporters and other businessmen.

5. It is also case of the prosecution that by this system of extortion, a huge amount of cash started accumulating with the syndicate and with this money, Suryakant Tiwari has purchased benami assets and a huge amount of money was transferred to Saumya Chaurasia, spent on political funding and transferred as per the instructions of higher powers. The Enforcement Directorate investigation further established that Smt. Ranu Sahu had aided and abetted Suryakant Tiwari in collection of illegal levy amounts from the coal transporters. Smt. Ranu Sahu was in touch through WhatsApp with Roshan Singh, associate of Suryakant Tiwari. The WhatsApp chats happened between Smt. Ranu Sahu and Roshan Singh, close associate of Suryakant Tiwari, revealed that Roshan Singh was in regular touch with Ranu Sahu and she agreed to do work as asked by Roshan Singh. The investigation carried out by the Enforcement Directorate further revealed that the government servants like Smt. Saumya Chaurasia, Shri Sameer Vishnoi IAS and Smt. Ranu Sahu, State Mining Officers etc had received kickbacks from Suryakant Tiwari and acquired benami properties disproportionate to their source of income. The details of property so attached are given in the table format as under:-

Sr.	Name of the Public	No. of properties	Value of attached	No. Servant attached
				under properties PMLA

1.	Sameer Vishnoi	Five	Immovable Rs. 10,42,83,000/-	
----	----------------	------	------------------------------	--

property and cash & jewellery

2.	Saumya Chaurasia	29	Immovable Rs. 22,12,89,600/-	
----	------------------	----	------------------------------	--

properties

3.	Ranu Sahu	36	Immovable Rs. 5,52,43,961/-	
----	-----------	----	-----------------------------	--

properties

6. Therefore, the Enforcement Directorate requested the Anti Corruption Bureau by filing complaint to identify all the assets acquired by the various Government servants who are accused of participation in this extortion syndicate in various Districts. It is also case of the Enforcement Directorate that various mining officers are involved in this extortion. As such, it was requested by the Enforcement Directorate to register an FIR and investigate the matter. In pursuance of the complaint, the FIR was registered. It is also case of the ACB/EOW that because of the instigation, Rs. 36 crores illegal extorted money has been collected which has been utilized for purchase of property in the name of Smt. Saumya Chaurasia through Deepesh Taunk for purchase of property in the name of her mother Smt. Shanti Devi Chaurasia and Anurag Chaurasia. Subsequently, Deepesh Taunk was working as Manager in the firm and he was involved in conversion of illegal money into legal money. Similarly against Smt. Ranu Sahu, material has been collected regarding collection illegal money of Rs. 5.52 crores. Thus, on the basis of the complaint, FIR has been registered against the applicants for commission of offence under Sections 7, 7A & 12 of the Prevention of Corruption Act, 1988 as amended in 2018 (for short "the PC Act") read with Sections 420 & 120-B of IPC.

7. From the case diary and the material so collected by the ACB/EOW, the role played by each of the applicants is given in brief separately. The role of applicant- Shiv Shankar Naag (MCRC No. 6490/2024)

8. Applicant-Shiv Shankar Naag during his posting as Deputy Director Mining in District Korba, was collecting Rs. 2/- per tonne of coal from coal transporters/coal traders for issuing no objection certificate (NOC) for coal transportation, which was collected from coal transporters/coal traders as per instructions of the present applicant by one Ajit Sonwani, a trusted operator appointed to monitor the mineral online portal working under the applicant at that time. The applicant also used to collect illegal money of about Rs. 1 lakh per month. He also used to collect Rs. 2/- per tonne from him at Korba, which has also been confirmed by coal trader Ashish Agarwal in his statement that he has paid illegal money of Rs. 2 per tonne to the applicant. He used to provide support to Suryakant Tiwari's syndicate for this illegal levy collection.

9. During investigation, it has been found that the applicant -Shiv Shankar Naag has neither conducted a preliminary investigation of the anonymous complaint received by him nor did he obtain approval from the then Korba Collector before sending the said complaint to the Director of Mining, Raipur and sent it to the Director of Mining Directorate for appropriate action. It is also the case of the prosecution during further investigation, the document received from the Income Tax Department includes a handwritten document of Suryakant Tiwari recovered from Flat No. 301 VIP Karishma Block D-2 Khamhardi Raipur, during the survey proceedings conducted by the Income Tax Department on 30.06.2022 at the residence and office of Suryakant Tiwari and others, it is found that transit pass of coal delivery order (DO) should be done manually instead of online and the reason cited is an online "error in the portal", which is also mentioned in the anonymous complaint sent by the applicant stating that there is an error in the online portal which shows that the applicant was involved in the coal levy syndicate. During investigation, one Ajit Sonawani, who was working as computer operator under Shiv Shankar has stated in his statement given under Section 161/164 of Cr.P.C. that in the State Economic Offences Investigation Bureau Raipur and the Court of Judicial Magistrate First Class, Raipur that on the instructions of Shiv Shankar, the delivery

order holder used to give the mobile number given by the applicant to coal traders for talking to Parekh Kurre and to deposit the coal levy of Rs. 25/- per ton and after getting an OK message from Parekh Kurre, NOC was issued from the Mining Office. Also on the instructions of the applicant, he used to collect mining expenses of Rs. 2/- per ton from the coal traders and transporters and give it to the applicant. During investigation, the coal traders and transporters namely Vikash Agarwal, Ritesh Jain, Talwinder Singh alias Aman Singh etc. stated in their statements that after depositing delivery orders issued by SECL, in the SECL field office of the mine, the DO was issued from there which was to be deposited in the Mining Office Korba for Transport Permit NOC. On contacting the Mining Office to inquire about the delay in providing NOC from the Mining Office, Ajit Babu in the Mining Office told that unless you pay Rs. 25/- per tonne coal levy to Suryakant Tiwari's man Moinuddin Qureshi, you will not get NOC and when, after paying Rs. 25/- per tonne, he went to Korba Mining Office for NOC, Rs. 2 per tonne was collected from the applicant in the name of mining expenses. In this way, the applicant- Shiv Shankar Naag has helped the syndicate by forcing coal traders and transporters to pay Rs. 25/- illegal coal levy.

10. Ashish Kumar Agrawal in his statement recorded under Section 161 of Cr.P.C. before the State Economic Offenses Investigation Bureau, Raipur and Section 164 Cr.P.C. before the concerned court has stated that in addition to the illegal coal levy recovery of Rs 25/- per tonne, illegal coal levy recovery of Rs 02 per tonne was done by the applicant for the then Collector Smt. Ranu Sahu. Ashish Agrawal had accepted to have given illegal coal levy of Rs. 2/- per ton to co-accused Mrs. Ranu Sahu through the present applicant.

The role of applicant- Roshan Kumar Singh (MCRC No. 7041/2024)

11. Applicant- Roshan Kumar Singh was working with Suryakant Tiwari and his partners for a long time from beginning of illegal coal levy collection in 2020 which was revealed during interrogation of the applicant. He was involved in holding meetings of coal traders related to coal levy collection in Korba, Raigarh, Surajpur Bilaspur districts. After the coal collection started, he used to collect coal levy from big coal traders while staying at Suryakant Tiwari's house in Anupam Nagar, Raipur and deposit it with Rajnikanth. He used to maintain the accounts of all the money with Rajnikanth Tiwari. He used to prepare the complete accounts of the distribution of money. In Korba, Raigarh, Surajpur Districts, people like Moinuddin Qureshi, Parekh Kurre, Rahul Singh, Matu alias Virendra Jaiswal used to bring the collected money and deposit it with him, which he used to get counted by machine and prepare the accounts by matching the money on the basis of coal DO in computer excel sheet and then he or the people bringing the money on his instructions used to deposit it with Rajnikanth Tiwari along with the accounting slip. He was very close and trusted associate of Suryakant Tiwari, who along with maintaining accounts of the money collected by Suryakant Tiwari as illegal coal levy of Rs 25, used to collect Rs 25 per tonne from big coal traders before getting NOC from mining on coal DO (delivery order) either himself or through Nikhil Chandrakar in Raipur and used to send message for NOC to the members of his syndicate or to the Mining Officer in the concerned District. Apart from this, while staying at Suryakant Tiwari's residence in Anupam Nagar, on his instructions, he started collecting Rs. 100/- per tonne on iron pellets from January 2022, for which he had threatened the traders over the phone that if the illegal levy of Rs. 100/- per tonne on iron pellets is not paid, the supply of coal and raw material to their respective company will be

stopped and after collecting Rs. 100/- per tonne, deposited it with Rajnikant Tiwari. Diaries written by him, have also been recovered from the diaries seized by the Income Tax Department. He had made illegal money from coal levy collection for the year 2020-2022.

12. During this period, he has acquired plots near Ambuja Mall in Raipur, land in Dharsiwa, land in Kapasada Raipur, flat in Rajiv Nagar, truck, car, movable and immovable assets worth crores. These have been investigated by Enforcement Directorate.

The role of applicant- Sheikh Moinnuddin Qureshi (MCRC No. 7093/2024)

13. Applicant- Sheikh Moinnuddin Qureshi is schoolmate and close friend of Suryakant Tiwari and was working as petty contractor in Suryakant Tiwari's contracting firm M/s Ganga Construction. During this time Suryakant Tiwari sent him to the coal mine in July 2020 to collect coal levy from transporters and businessmen in Korba in the name of transportation related work. Rs. 25/- per tonne levy was fixed and present applicant was appointed as Suryakant's representative in Korba for illegal recovery. The amount of illegal coal levy collected by himself was handed over to Suryakant Tiwari at House No. 1-34, Anupam Nagar Raipur to Rajnikant Tiwari and Roshan Singh. He used to deliver the goods. This was confirmed by various documents seized by the Income Tax Department. Diaries and witnesses Mukesh Kumar Kedia, Ashish Kumar Agarwal, Gaurav Agarwal, Rupesh Garg and Ritesh Jain. He was engaged in criminal conspiracy and acting as an active associate in the syndicate of Suryakant Tiwari. The charges of collection of coal levy and obtaining illegal benefits have been found to be proved.

The role of applicant- Sandeep Kumar Nayak (MCRC No. 7210/2024)

14. Applicant- Sandeep Kumar Nayak was posted as Mining Officer in Mining Department, Surajpur and neglected and misused his official duties and in the initial stage of coal levy collection, cooperated by organizing a meeting of coal transporters and traders with the head of coal collection syndicate Suryakant Tiwari, Hemant Jaiswal and other members. When the collection of illegal coal levy of Rs. 25/- per tonne started, coal transporters and traders used to submit the coal DO (delivery order) received from SECL to the mining department to obtain NOC before transportation, but he in connivance with Rahul Kumar Singh and Virendra Jaiswal alias Montu who are members of Suryakant Tiwari's syndicate operating in Surajpur district used to collect the illegal coal levy of Rs. 25/- per tonne on DO and handedover to Rahul Singh or Virendra Jaiswal, members of Suryakant Tiwari's syndicate, and thereafter they sent an OK message to the present applicant who used to provide NOC on DO. Until the illegal coal levy of Rs. 25/- was paid, NOC was not given by the mining office, due to which coal transporters and traders had a fear of DO lapse, due to which they used to pay illegal coal levy of Rs. 25. In this way, the applicant has helped in making the collection of illegal coal levy easy.

15. During the investigation of the case, when the coal transporters and traders of Surajpur area were questioned, the traders told in their statements that apart from collecting illegal coal levy of Rs 25 from the coal transporters and traders through the syndicate of Suryakant Tiwari, Mining Officer i.e. present applicant also used to collect Rs. 1/- separately from the traders for himself from the

Mining Department. To assist the syndicate, he was posted as In-charge Mineral Officer, District Office, Surajpur from 27.02.2019. The applicant had become very close to Rahul Singh, who was looking after the coal levy syndicate of Surajpur, the proof of this is the WhatsApp chats between the two which have been made available by the Enforcement Directorate/Income Tax Department. It has been proved by transporters Naresh Kumar Dubey and Vijendra Kumar Gupta of Jai Durga Multi Trade Pvt. Ltd. Company and others that the applicant used to pressurize the transporters for illegal collection of Rs. 25/- per tonne and asked them to contact Rahul Singh and Virendra alias Montu Jaiswal. The applicant used to issue NOC for online e-permit to the transporters only after the transporters paid the cash amount of Rs. 25/- per tonne levy to Rahul Singh and Virendra alias Montu Jaiswal (depending on their availability). In Rahul Singh's WhatsApp chat, the applicant used to get instructions to issue e-permits after receiving the levy from the transporters. A similar chat dated 22.07.2020 was sent by Rahul Singh to GSR Enterprises DO No. 02564 dated 14.07.2020, Grate G-8, quantity 500 metric tons, Mines Gayatri and Maa Mangala Pvt. Ltd. DO No. 02625 dated 16.07.2020, Grate G-5, quantity 1300 metric tons, Mine Rehar, both of these communications are clear wherein an "Ok Sir". Prompt is seen on which Sandeep Kumar Nayak sent a message of "Ok". Later, their e-permit NOC was issued. The chat is attached as evidence in the case. Witness Shri Naresh Kumar Dubey related to Maa Vaishnavi Goods Carrier and Shri Vijendra Kumar Gupta of Jai Durga Multi Trade Pvt. Ltd.. Company have confirmed that Sandeep Kumar Nayak exerted pressure for coal levy at the rate of Rs. 25/- per ton and demanded illegal levy of Rs.1/- per ton for himself, as a result of which he alongwith Suryakant Tiwari's syndicate illegally collected Rs. 25/- per ton from Rahul Singh and paid Rs. 1/- per ton to Sandeep Nayak and only after that their e-permit NOC was issued. Witnesses have stated that Rs. 15-20 lakh was paid to the syndicate and the applicant as illegal levy. The statement is attached in the case as evidence. The WhatsApp chats between Sandeep Nayak and syndicate member Rahul Singh were seized by the Income Tax Department. It is also clear from the above chats that the applicant used to help Suryakant and his syndicate members in collecting coal and any delivery order was cleared by him only when the illegal levy was paid by the transporter to Suryakant and the people associated with his syndicate. In this way, it has been proved against the applicant that he has earned illegal and undue advantage by providing protection to the members of the illegal coal levy collection syndicate by being involved in the criminal conspiracy of Shri Suryakant Tiwari's syndicate. The role of applicant- Chandra Prakash Jaiswal (MCRC No. 7292/2024)

16. Applicant- Chandra Prakash Jaiswal is real younger brother of Hemant Jaiswal. In the beginning of coal levy recovery, his elder brother Hemant Jaiswal and Suryakant Tiwari together used to recover levy of Rs. 25/- from the coal businesses and he himself used to directly cooperate by creating pressure, in return for which he has obtained illegal economic benefits. The witness of the case Vikas Agarwal, Tulvander Singh have also confirmed the above facts. From the statement of Ashish Aggarwal resident at Korba, the fact of recovery of coal levy by issuing DO is demonstrated that the applicant has sent message through Whatsapp chat to clear delivery order and the message retrieved from Ashish Agarwal's mobile clarifies the same. Thus, he had joined the criminal conspiracy of Suryakant Tiwari as an active associate of his connection. The charge of working and getting illegal benefits has been found to be certified. The present applicant deploying its persons at Korba Office used to extort money in name of coal levy and from whatsapp chat between Ashish Kumar Agarwal and present applicant demonstrates that the present applicant is main person of the



syndicate and is working for syndicate and extort money as coal levy.

The role of applicant- Hemant Jaiswal (MCRC No. 7419/2024)

17. Applicant- Hemant Jaiswal was involved in coal transportation business. He has a partnership firm named as Mangalam Minerals Movers, located at Anupam Nagar Raipur, in which Suryakant Tiwari is also a partner. Both of them have been involved in coal transportation work through the said firm since the year 2014. The applicant was an equal partner in Suryakant Tiwari's coal levy syndicate. The applicant and Suryakant Tiwari have taken meeting together in Raigarh, Korba, Bilaspur & Surajpur with various transporters and pressurizing them for illegal recovery of Rs. 25/- per tonne. The applicant has arranged persons and office for extorting coal levy amount from transporter for Suryakant Tiwari. The applicant is brother of another applicant namely Chandrprakash Jaiswal who was also working in Suryakant Tiwari coal levy syndicate for Bilaspur District and arrested by the Economic Offences Wing. The meeting regarding illegal coal levy recovery in Bilaspur was held at Hemant Jaiswal's residence. The applicant and Suryakant Tiwari were also partner in Maa Mandwarani Coal Beneficiation Pvt. Ltd. and they have purchased Caol Washrey in the name of Maa Mandwarani Coal Beneficiation Pvt. Ltd. for about Rs. 96 crores in the year 2022. In the ledger book of Maa Mandwarani seized by the Income Tax Department, Suryakant Tiwari, Hemant Jaiswal, Jogendra Singh, Anup Bansal and Rupesh Garg have been found to be partners and the amount of their share in the firm is clearly mentioned. The applicant has also invested a huge cash in purchasing of this washeries. In the search operation conducted by the Income Tax Department at the residence of Hemant Jaiswal on 30.06.2022, about Rs 16.50 lakh cash was recovered. In this way, the allegation against the applicant of acting as an active associate of Suryakant Tiwari's syndicate by joining the criminal conspiracy and obtaining illegal benefits has been found to be proved. The whatsapp chat of Hemant Jaiswal with syndicate members like Roshan, Nikhil has also been seized during income tax raid which also shows his connection with coal.

The role of applicant - Virendra Kumar Jaiswal @ Montu (MCRC No. 7615/2024)

18. Applicant - Virendra Kumar Jaiswal @ Montu is close relative of Hemant Jaiswal and in the year 2014-15, he used to work with Maa Jai Ambe Road Lines a joint firm of Hemant Jaiswal and Suryakant Tiwari. Being a relative of Hemant Jaiswal and a trustworthy man, the applicant, Suryakant Tiwari and Hemant Jaiswal were present in Surajpur during the meeting of coal transporters/businessmen along with his other employee Rahul Singh as a member of the syndicate to collect Rs. 25/- per tonne from coal transporters and businessmen in Surajpur District. He was given the responsibility of illegal collection of Rs. 25/- per tonne. The applicant along with Rahul Singh and Mining Officer Sandeep Nayak, put pressure on coal traders and coal transporters and illegally collected Rs. 25/- per tonne from them, and also provided active assistance in making arrangements for illegal collection of additional Rs. 1/- per tonne for Mineral Officer Mr. Sandeep Nayak. He used to discharge the responsibility of delivering the illegal levy collected from Surajpur District to Moinuddin Qureshi every week. The above facts were confirmed in their statements by the witness of the case, coal transporter Naresh Kumar Dubey and accused Moinuddin Qureshi, Parekh Kurre, Rahul Singh during interrogation. Thus, the allegation against Virendra Jaiswal of

joining the criminal conspiracy of Suryakant Tiwari and acting as an active associate of his syndicate and receiving illegal benefits has been found to be proved.

The role of applicant- Parekh Kurre (MCRC No. 6919/2024)

19. Applicant- Parekh Kurre used to work with Hemant Jaiswal in illegal coal collection in the year 2020 to 2022 and was a trusted person of Hemant Jaiswal. When Suryakant Tiwari and Hemant Jaiswal started illegal coal levy collection of Rs. 25/- per tonne on coal then their former workers were deployed for recovery in coal-rich Districts Korba, Raigarh, Surajpur. During this period, the applicant and Moinuddin Qureshi were deployed in Korba to collect illegal coal levy of Rs. 25/- per tonne. The Illegal coal collection by the applicant during year 2020 to 2022 of Rs. 25/- per tonne on coal DO was done from coal transporters and coal traders in Korba district in connivance with Moinuddin Qureshi. The applicant used to collect illegal coal levy of Rs. 25 per tonne on coal DO received from SECL from coal transporters and coal traders by sitting in Mahamaya Juice Center Transport Nagar Korba and used to call coal transporters and coal traders to the juice center with money. After collecting the money for coal DO per tonne, the applicant used to send an OK message with the DO to the mining office then only the mining department provided NOC to the DO of coal transporters and coal traders which is confirmed by the statement of the operator of Mahamaya Juice Center and coal traders. The applicant used to bring the money collected as illegal coal levy of Rs. 25/- per tonne in Korba District when Moinuddin Qureshi was not present, to the residence and office of Suryakant Tiwari situated at Anupam Nagar, Raipur once a week and deposit it with Rajnikant Tiwari and Roshan Singh, which has been mentioned in the diaries seized from the residence of Rajnikant Tiwari by the Income Tax Department, which has been accepted by the applicant himself and Roshan Singh during interrogation.

20. The applicant used to collect the money collected from illegal coal levy in Korba and Surajpur, Raigarh Districts and after preparing information in excel sheet on his laptop, he used to give it to Moinuddin Qureshi along with money in pen drive or sometimes he himself used to leave it with Rajnikant Tiwari and Roshan Singh at Raipur. The applicant along with Rahul Singh, Virendra Jaiswal alias Montu had told about the same in their statements during interrogation. Mangal Pandey, Gaurav Aggarwal, Talwinder Singh have mentioned in their statements about payment of illegal coal levy amount to the applicant.

21. Mr. Basant Dewangan, counsel for the applicant- Shiv Shankar Naag in MCRC No. 6490 of 2024 would submit that the name of the present applicant has been mentioned in the charge-sheet alleging that the applicant while discharging his duty as Deputy Director in the Mineral Department at Korba on 20/08/2019 and was working with the syndicate due to his previous acquaintance with Suryakant Tiwari whereby the actuality of the fact is that the present applicant was posted as Deputy Director (Mineral Administration) who was appointed by the Ministry of Mineral Resources Department, which is a government recruitment process and the prosecution agency has not filed any related document to show that the present applicant was working with as alleged syndicate. He would further submit that the prosecution is deliberately prosecuting the applicant by making him a member of the syndicate and involving him in recovery and connecting him with Hemant Jaiswal knowing to the fact that the applicant has no relation with Hemant Jaiswal. He would further

submit that the prosecution has alleged that the applicant conspiring with Samir Bishnoi the then Director and on his instructions, has forwarded letter dated 06.07.2020 to the Directorate but the allegation has not been proved by the prosecuting agency in this regard as the same has been sent to the Director, Directorate Raipur and the Director issued a letter on 15.07.2020 to delivery order for approval in which there is no reference of the note sheet regarding issuance of letter in the charge-sheet and there is no reference or article of the said letter. He would further submit that the delivery order approval was issued on 15.07.2020 i.e. two days before the receipt of the suggesting letter by the Director, there is no evidence regarding the instruction given to the applicant the prosecution agency has added the name of the applicant in the charge-sheet without applying its own mind.

22. He would further submit that the prosecution has also alleged that the said members of the syndicate and Mining Officers pressurized the transporters and D.O. holders by way of District Collectors that until and unless they will not pay the levy amount of Rs. 25/- per tonne, they will not be provided no objection certificate (NOC) for transportation and under this pressure, the transporters have paid the illegal levy amount of Rs. 25/- per tonne to the syndicate but no such evidence has been placed on record by the prosecuting agency before the learned trial Court. He would further submit that Mr. Ajit Sonwani, was posted as F.M.S. appointed by the Directorate, in Korba who has been posted in all other Districts of the State to resolve the errors in the Mineral Online Portal from time to time, the prosecution has pressurized Ajit Sonwani to record a statement before the learned trial Court under section 164 of Cr.P.C. and no electronic and documentary evidence has been submitted in the charge sheet. He would further submit that there is no document on record to suggest that applicant has played an active role in illegal collection of crores of rupees from the transporters and earned undue profit and the statement of the witnesses have been recorded by way of threatening, therefore, statement of the witnesses brought by the prosecution cannot be relied upon in the court of law. He would further submit that documents and evidence related to financial transactions of the applicant with coal transporters and coal businessmen and written complaint of illegal recovery, extortion by coal businessmen and transporters has not been seized or recovered by the agency and no such evidence has been annexed in the final report. He would further submit that in the charge-sheet, it has been mentioned that other co- accused persons namely Moinuddin Qureshi, Parekh Kurre and Chandraprakash Jaiswal were taking illegal money from coal transporters and coal traders at the rate of Rs. 25/- per tonne and after receiving the amount collected by claiming coal levy, the above co- accused persons sent a message to the applicant and after that D.O. was approved and Rs. 2/- per tonne was taken but the applicant does not know Moin Qureshi, Parekh Kurre, Chandraprakash Jaiswal, and neither did he have any contact with these people. The coal traders never met the applicant in the context of D.O. The applicant was posted in Korba District as In-charge Officer Mineral and Deputy Director. When the applicant does not know the accused, then the question of sending a message and taking Rs. 2/- extra does not arise. He would further submit that the applicant is in jail since 11.06.2024 and the trial will take more time to conclude and the applicant is ready and willing to abide by the conditions imposed by this Court, hence, he would pray for releasing the applicant on bail.

23. To substantiate his submission, he would rely upon the judgment rendered by Hon'ble the Supreme Court in case of Pankaj Bansal Vs. Union of India & others [Criminal Appeal No. 5857-3052/2023 SLD (Crl.) No. 9220-9221/2023 (decided on 03.10.2023)], State of Maharashtra

Vs. Nainmal Punjaji Shah & another reported in 1969 (3) SCC 904, Satinder Kumar Antil Vs. CBI & Anr., reported in (2022) 10 SCC 51, Prem Prakash Vs. Enforcement Directorate [SLP No. 5416/2024 (decided on 28.08.2024)], Sanjay Chandra Vs. CBI, reported in (2012) 1 SCC 40, Shiv Shankar Nag Vs. Enforcement Directorate [SLP (Crl.) No. 11314/2024 (decided on 04.10.2024)], Union of India Vs. K.A. Najeeb, reported in (2021) 3 SCC 713 & State of Kerala Vs. Raneef, reported in (2011) 1 SCC

784.

24. Mr. Manoj Paranjpe, counsel for the applicant- Roshan Kumar Singh in MCRC No. 7041 of 2024 and applicant- Sheikh Moinuddin Qureshi in MCRC No. 7093 of 2024 would submit the applicants are innocent and have been falsely implicated in the crime in question as no role has been played by them in alleged offence and there is no evidence to connect the present applicants with the alleged offence. He would further submit that the applicants are neither government servant nor hold any post. He would also submit that it has been alleged by the prosecution that the applicant- Roshan Kumar Singh used to look after the accounts of alleged main co-accused person ie. Suryakant Tiwari but there is no evidence or material to connect the applicants with the allegation as there is no seizure made from the applicants with respect to alleged role played by them in commission of offence. He would further submit that the applicant-Roshan Kumar Singh was only looking after accounts and for filing of Income Tax returns and was working under the instructions of Rajnikant Tiwari on salary of Rs. 30,000/- per month. He would further submit that the applicants were not made accused in the case/investigation before the Enforcement Directorate under the PMLA and were given clean chit stating that they have no role to play in the instant crime. He would further submit that the applicant- Roshan Kumar Singh is aged about 39 years and are getting eye treatment at Chennai (Tamilnadu) since 2016 and he is advised for continuous follow-ups by the doctors or he might lose his eye-sight and they are in jail since 18.06.2024 and would pray for releasing them on bail.

25. To substantiate his submission, he would refer to the judgment rendered by Hon'ble the Supreme Court in case of Siddharth Vs. State of U.P., reported in (2021) SCC OnLine SC 615, Amanpreet Singh Vs. Republic of India [SLP (Crl.) No. 5234/2021], Satender Kumar Antil Vs. Central Bureau of Investigation [SLP (Crl.) No. 5191/2021 (decided on 07.10.2021)], Gurbaksh Singh Sibbia Vs. State of Punjab, reported in (1980) 2 SCC 565, Sushila Aggarwal Vs. State (NCT of Delhi), reported in (2020) 5 SCC 1 & Nathu Singh Vs. State of U.P., reported in (2021) 6 SCC 64.

26. Mr. Vaibhav P. Shukla, counsel for the applicant- Sandeep Kumar Nayak in MCRC No. 7210 of 2024 would submit that applicant is innocent and has been falsely implicated in the crime in question as there is no evidence produced by the prosecution to involve the applicant in the alleged offence. He would further submit that the applicant was bonafidely performing his duties in compliance of order dated 15.07.2020 by issuing the delivery orders in capacity of Assistant Mining Officer as he was bound to perform his duties as per the instruction issued by the higher officials i.e. Director Geology and Mining. He would further submit that the applicant is in jail since 18.06.2024 and trial will take some time for its final conclusion and would pray for releasing the applicant on bail.

27. Mr. Amrito Das, counsel for the applicant- Chandra Prakash Jaiswal in MCRC No. 7292 of 2024 would submit that applicant is innocent and has been falsely implicated in the crime in question. He would further submit that the applicant is a coal transporter, therefore, incriminating statement given by another business competitor cannot be accepted as the sole ground for executing the present applicant. He would further submit that the applicant is not an active part of the illegal coal levy syndicate as no document has been placed by the prosecution for his participation in the alleged offence. He would further submit that the case of prosecution against the present applicant is based on the fact that illegal coal levy was extorted by him from the coal transporters for clearance of delivery orders but at the time of filing of the FIR offence under Section 384 of Cr.P.C. was not registered and the same has been included later in the charge-sheet. He would further submit that the applicant is in jail since 13.06.2024 and trial will take some time for its final conclusion and would pray for releasing the applicant on bail.

28. Mr. Kishore Bhaduri, senior counsel for the applicant- Hemant Jaiswal in MCRC No. 7419 of 2024 would submit that the applicant is innocent and has been falsely implicated in the crime in question. He would further submit that the sole basis on which the FIR has been registered by the Economic Offence Wing is the letter dated 11.01.2024 which is sent by the Directorate of Enforcement. In the said letter there is not even a single whisper against the present applicant and he has not been named as accused under the PMLA, 2002 and there is no justification of roping the applicant automatically in the case of offence punishable under Indian Penal Code, Prevention of Corruption Act. The investigating agency is solely relying upon the investigation of the Directorate of Enforcement and has failed to establish prima facie by way of legally admissible evidence that the applicant is involved in the offence under IPC or Prevention of Corruption Act. He would further submit that there is no possibility of him fleeing away from the country and not being available for facing the trial. In any case, conditions can be imposed to address the concern of the State. He would further submit that the applicant is in jail since 13.06.2024 and the trial will take some time for its final conclusion and would pray for releasing the applicant in jail.

29. To substantiate his submission, he would refer to the judgment rendered by Hon'ble the Supreme Court in case of Lalita Kumari Vs. Government of Uttar Pradesh & others, reported in (2014) 2 SCC 1, State Represented by Inspector of Police & others Vs. N.M.T. Joy Immaculate, reported in 2004 INSC 334, V.T. Lazar & others Vs. The Inspector of Police, Poonamallee Police Station [Crl. O.P. No. 14796 of 2022], Pankaj Bansal Vs. Union of India & others [Criminal Appeal No. 3051-3052 of 2023], Prabir Purkayastha Vs. State (NCT of Delhi) [D.No. 42896 of 2023], Sheikh Javed Iqbal @ Ashfaq Ansari @ Javed Ansari Vs. State of Uttar Pradesh [Criminal Appeal No. 2790 of 2024], Manish Sisodia Vs. CBI & ED, reported in (2023) SCC OnLine SC 1393, Satender Kumar Antil Vs. Central Bureau of Investigation, reported in (2022) 10 SCC 51, Surinder Singh alias Shingara Singh Vs. State of Punjab, reported in (2005) 7 SCC 387, Kashmira Singh Vs. State of Punjab, reported in (1977) 4 SCC 291, Javed Gulam Nabi Shaikh Vs. State of Maharashtra, reported in (2024) SCC OnLine SC 1693, Gudikanti Narasimhulu Vs. Public Prosecutor, High Court of Andhra Pradesh, reported in (1978) 1 SCC 240, P. Chidambaram Vs. Enforcement Directorate, reported in (2020) 13 SCC 791, Sanjay Chandra Vs. CBI, reported in (2012) 1 SCC 40, Prahlad Singh Bhati Vs. State (NCT of India), reported in (2001) 4 SCC 280 & Arnesh Kumar Vs. State of Bihar, reported in (2014) 8 SCC 273.

30. Ms. Juhi Jaiswal, counsel for the applicant- Virendra Kumar Jaiswal @ Montu in MCRC No. 7615 of 2024 would submit that the applicant is innocent and has been falsely implicated in this case. She would further submit that the applicant is a coal transporter, therefore, incriminating statement given by another business competitor/coal transporter cannot be accepted as the sole ground for executing the applicant, therefore, investigating officer has failed to consider the entire case and has arrested the applicant only on the basis of statement of witnesses. She would further submit that the applicant was not an active part of the illegal coal levy syndicate and the allegation regarding collection of illegal coal levy is based on the statements given by co-accused and witnesses which are yet to be examined in trial. She would further submit that the applicant is in jail since 13.06.2024 and is ready to abide by all the conditions imposed upon him while granting bail and would pray for grant of bail to the applicant.

31. To substantiate her submission, she would refer to the judgment rendered by Hon'ble the Supreme Court in case of Sanjay Chandra Vs. CBI, reported in (2012) 1 SCC 40, Dipak Shubhashchandra Mehta Vs. CBI, reported in (2012) 4 SCC 134, Satender Kumar Antil Vs. CBI, reported in (2022) 10 SCC 51, Prem Prakash Vs. Union of India, reported in 2024 SCC OnLine SC 2270, Arvind Kejriwal Vs. Central Bureau of Investigation, reported in 2024 SCC OnLine SC 2550, Haricharan Kurmi Vs. State of Bihar, reported in AIR 1964 SC 1184 & Arnesh Kumar Vs. State of Bihar, reported in (2014) 8 SCC

273.

32. Mr. Soumya Rai, counsel for the applicant- Parekh Kurre in MCRC No. 6919 of 2024 would submit that investigating agency is acting arbitrary in order to prosecute the applicant, which is nothing but an ill- motivated, mala fide intention to rope the applicant at the whims of Investigating agencies. He would further submit that the contents of FIR clearly show that the allegations were mostly against the Suryakant Tiwari, Soumya Chaurasiya, Hemant Jaiswal, Sameer Vishnoi and other politically influential persons and the present applicant has only been named because he was working in the office of Hemant Jaiswal. He would further submit that no official including coal businessman has named the present applicant that he had any contact with them or he used to collect money from them. He would further submit that the respondents have failed to establish link of the applicant with the alleged offence and merely on presumption, his name has been included in final report otherwise there is no whisper of what so ever against the applicant for committing any act to establish prima facie case, the prosecution agency ought to have placed the evidence whether someone has been put to wrongful loss due to act of the applicant. There is no evidence brought on record by way of final report that someone has been cheated which has resulted into wrongful loss by the applicant. There is no complaint by any person that the applicant has intentionally created documents or electronic records which were used for the purpose of cheating. He would further submit that the investigating agency has failed to show complete the chain of evidence to establish that the applicant has accepted gratification as a motive or reward to favour of dis-favour to any particular group of persons. He would further submit that the ingredients of Section 7 and 7 A of the Prevention of Corruption Act is not attracted against the applicant. The applicant is neither government servant nor there is any allegation of inducement done by him for taking bribe. The applicant is working as Data Operator under Hemant Jaiswal who has multiple business across the

state of Chhattisgarh and there is no nexus with the aforesaid crime but the prosecution has wrongly mentioned him as an employee of Suryakant Tiwari which is factually incorrect as he has never worked for Suryakant Tiwari. The applicant is in jail since 18.06.2024 and trial will likely to take time for conclusion, hence, would pray for grant of bail to the applicant.

33. Dr. Saurabh Kumar Pande, counsel for the ACB/EOW opposing the submissions made by learned counsel for the applicants and referring to the FIR and the case diary would submit that all the applicants are involved in the economical offence which is not only heinous offence but also against the economic of the Nation. The custodial interrogation of the applicants are required as the applicants have not disclosed the source of income from where these properties which have been detailed in the final report and if the accused remained in the custody, the sources of purchase of property can be traced out. As such, he would pray for rejection of the bail applications filed by them.

34. I have heard learned counsel for the applicants and the respondents as well as considered the case diary.

35. The prosecution has collected the material regarding active involvement of the applicants in the syndicate and main accused- Suryakant Tiwari has extorted money, which has been utilized for purchase of properties. Thus, involvement of the applicants in commission of offence under Section 7, 7A & 12 of the PC Act, is prima facie reflected. Hon'ble the Supreme Court while considering the gravity of economic offence in case of P. Chidambaram Vs. Directorate of Enforcement, reported in (2019) 9 SCC 24 has held at paragraph 78 to 81 as under:-

"78. Observing that economic offence is committed with deliberate design with an eye on personal profit regardless to the consequence to the community, in State of Gujarat v. Mohanlal Jitmalji Porwal and others (1987) 2 SCC 364, it was held as under:-

"5. ....The entire community is aggrieved if the economic offenders who ruin the economy of the State are not brought to book. A murder may be committed in the heat of moment upon passions being aroused. An economic offence is committed with cool calculation and deliberate design with an eye on personal profit regardless of the consequence to the community. A disregard for the interest of the community can be manifested only at the cost of forfeiting the trust and faith of the community in the system to administer justice in an even-handed manner without fear of criticism from the quarters which view white collar crimes with a permissive eye unmindful of the damage done to the national economy and national interest....."

79. Observing that economic offences constitute a class apart and need to be visited with different approach in the matter of bail, in Y.S. Jagan Mohan Reddy v. CBI (2013) 7 SCC 439, the Supreme Court held as under:-

"34. Economic offences constitute a class apart and need to be visited with a different approach in the matter of bail. The economic offences having deep-rooted conspiracies and involving huge loss of public funds need to be viewed seriously and considered as grave offences affecting the economy of the country as a whole and thereby posing serious threat to the financial health of the country.

35. While granting bail, the court has to keep in mind the nature of accusations, the nature of evidence in support thereof, the severity of the punishment which conviction will entail, the character of the accused, circumstances which are peculiar to the accused, reasonable possibility of securing the presence of the accused at the trial, reasonable apprehension of the witnesses being tampered with, the larger interests of the public/State and other similar considerations." [underlining added]

80. Referring to *Dukhishyam Benupani, Assistant Director, Enforcement Directorate (FERA) v. Arun Kumar Bajoria* (1998) 1 SCC 52, in *Enforcement Officer, Ted, Bombay v. Bher Chand Tikaji Bora and others* (1999) 5 SCC 720, while hearing an appeal by the Enforcement Directorate against the order of the Single Judge of the Bombay High Court granting anticipatory bail to the respondent thereon, the Supreme Court set aside the order of the Single Judge granting anticipatory bail.

81. Grant of anticipatory bail at the stage of investigation may frustrate the investigating agency in interrogating the accused and in collecting the useful information and also the materials which might have been concealed. Success in such interrogation would elude if the accused knows that he is protected by the order of the court. Grant of anticipatory bail, particularly in economic offences would definitely hamper the effective investigation. Having regard to the materials said to have been collected by the respondent-Enforcement Directorate and considering the stage of the investigation, we are of the view that it is not a fit case to grant anticipatory bail."

36. Again Hon'ble the Supreme Court in case of *Ramesh Bhavan Rathod Vs. Vishanbhai Hirabhai Makwana (Koli)* & another reported in 2021 (6) SCC 230 has held in paragraph 23 as under :-

24. The principles governing the grant of bail were reiterated by a two judge Bench in *Prasanta Kumar Sarkar v. Ashis Chatterjee* (2010) 14 SCC 496:

"9. ... It is trite that this Court does not, normally, interfere with an order passed by the High Court granting or rejecting bail to the accused. However, it is equally incumbent upon the High Court to exercise its discretion judiciously, cautiously and strictly in compliance with the basic principles laid down in a plethora of decisions of this Court on the point. It is well settled that, among other circumstances, the factors to be borne in mind while considering an application for bail are:

(i) whether there is any prima facie or reasonable ground to believe that the accused had committed the offence;

(ii) nature and gravity of the accusation;



- (iii) severity of the punishment in the event of conviction;
- (iv) danger of the accused absconding or fleeing, if released on bail;
- (v) character, behaviour, means, position and standing of the accused;
- (vi) likelihood of the offence being repeated;
- (vii) reasonable apprehension of the witnesses being influenced; and
- (viii) danger, of course, of justice being thwarted by grant of bail. "10. It is manifest that if the High Court does not advert to these relevant considerations and mechanically grants bail, the said order would suffer from the vice of non-application of mind, rendering it to be illegal..."

47. The considerations which must weigh with the Court in granting bail have been formulated in the decisions of this Court in *Ram Govind Upadhyay v. Sudarshan Singh*<sup>13</sup> and *Prasanta Kumar Sarkar v. Ashis Chatterjee*<sup>14</sup>(noted earlier). These decisions as well as the decision in *Sanjay Chandra* (supra) were adverted to in a recent decision of a two judge Bench of this Court dated 19 March 2021 in *The State of Kerala v. Mahesh* where the Court observed:

"22...All the relevant factors have to be weighed by the Court considering an application for bail, including the gravity of the offence, the evidence and material which prima facie show the involvement of applicant for bail in the offence alleged, the extent of involvement of the applicant for bail, in the offence alleged, possibility of the applicant accused absconding or otherwise defeating or delaying the course of justice, reasonable apprehension of witnesses being threatened or influenced or of evidence being tempered with, and danger to the safety of the victim (if alive), the complainant, their relatives, friends or other witnesses...." Similarly, the Court held that the grant of bail by the High Court can be set aside, consistent with the precedents we have discussed above, when such grant is based on non- application of mind or is innocent of the relevant factors for such grant.

37. The prosecution has collected sufficient material to demonstrate that the applicants have active participation in the syndicate which has collected illegal money as per the directions of the main accused Suryakant Tiwari by extorting money which has also been utilized for purchase of properties by the accused persons and in the bail petition, they have contended that they are falsely implicated in the crime by taking the stand which is required to be ascertained by the trial Court only during the trial and the applicants have not placed any material to demonstrate that they are not prima facie involved in the commission of offence. The accused persons have nowhere stated that they are unknown to the main accused and there is no linkage between them for commission of offence by the main accused- Suryakant Tiwari with the add of government officers. The prosecution is investigating the matter and if the

accused are released on bail they may tamper with the evidence, as such also, their custodian remand is necessary.

Therefore, looking to the involvement of the applicants, gravity of the offence which is economic offence, the applicants are not entitled to get bail. As such, I am of the view that it is not a fit case where the applicants should be granted regular bail.

38. Accordingly, all the bail applications filed under Section 439 of the Cr.P.C. are liable to be and are hereby rejected.

39. The observation made by this Court is not bearing any effect on the trial of the case. The learned trial Court will decide the criminal trial in accordance with evidence, material placed on record, without being influenced by any of the observations made by this Court while deciding the present bail applications.

Sd/-

(Narendra Kumar Vyas) Judge Arun