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[2024:RJ-JP:50569]



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

S.B. Criminal Miscellaneous Bail Application No. 15080/2024

Vivek Bhambhu S/o Jagdish Chandra, Aged About 33 Years, R/o Poonia Colony, District Churu, (Raj.)

(At Present Confined In Central Jail, Jaipur).

-----Petitioner

Versus

State Of Rajasthan, Through PP

-----Respondent

Connected With

S.B. Criminal Miscellaneous Bail Application No. 15081/2024

Sharwan Kumar Vishnoi S/o Shri Jaikishan, Aged About 32 Years, R/o Village Ranasar Khurd, Tehsil Gudamalani, Police Station Rageshwari Gas Terminal, Distt. Barmer, Rajasthan (Accused Petitioner Presently Confined In Central Jail Jaipur).

-----Petitioner

Versus

State Of Rajasthan, Through PP

-----Respondent

S.B. Criminal Miscellaneous Bail Application No. 15082/2024

Renu Kumari S/o Ranjeet Singh Chauhan, Aged About 40 Years, R/o Village Kolila, Police Thana Shahjahanpur, District Kotputli, Behror. Currently Residing At 41, Moti Vihar, Panchyawala, Siris Road, Jaipur (Raj.)

(Presently Accused Petitioner Is Confined In Central Jail, Jaipur).

-----Petitioner

Versus

State Of Rajasthan, Through PP

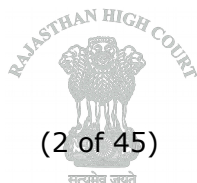
-----Respondent

S.B. Criminal Miscellaneous Bail Application No. 15151/2024

Naresh Kumar S/o Bheraram, Aged About 24 Years, R/o Malwada, Tehsil Chitalwana, P.s. Chitalwana, Distt. Jalore (San chore) (Raj.)

(Presently Confining In Central Jail Jaipur)

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[CRLMB-15080/2024]

-----Petitioner

Versus

State Of Rajasthan, Through Public Prosecutor

-----Respondent

S.B. Criminal Miscellaneous Bail Application No. 15152/2024

Ajay Vishnoi S/o Shri Baburam, Aged About 27 Years, R/o
Vinayakpura, Bhawad, Police Station Karwar District Jodhpur.

(At Present Confined In Central Jail Jaipur)

-----Petitioner

Versus

State Of Rajasthan, Through P.P

-----Respondent

S.B. Criminal Miscellaneous Bail Application No. 15153/2024

Narngi Kumari W/o Shri Ramjeewan D/o Shri Veerma Ram, Aged
About 27 Years, R/o Dungarwa, Tehsil Bagoda, District Nagaur
(Raj.)

(At Present In Central Jail Jaipur)

-----Petitioner

Versus

The State Of Rajasthan, Through P.P

-----Respondent

S.B. Criminal Miscellaneous Bail Application No. 15448/2024

Dinesh Kumar S/o Gangaram, Aged About 24 Years, R/o
Jambhoji Ka Mandir, Kabooli, Police Station Dhorimanna, District
Barmer.

(At Present Confined In Central Jail, Jaipur)

-----Petitioner

Versus

State Of Rajasthan, Through PP

-----Respondent

S.B. Criminal Miscellaneous Bail Application No. 15449/2024

Surendra Kumar Bagadia S/o Shri Hariram Bagadia, Aged About
27 Years, R/o Dhaka Ki Dhani, Police Station Sadar (Sikar), Distt.
Sikar, Rajasthan.



(Accused Petitioner Presently Confined In Central Jail Jaipur).

-----Petitioner

Versus

State Of Rajasthan, Through PP

-----Respondent

S.B. Criminal Miscellaneous Bail Application No. 15450/2024

Dinesh Vishnoi S/o Shri Lehraram, Aged About 28 Years, R/o 42, Gayatri Nagar, Police Station Kudi, Bhagatasni, Distt. Jodhpur, Rajasthan.

(Accused Petitioner Confined In Central Jail, Jaipur).

-----Petitioner

Versus

State Of Rajasthan, Through PP

-----Respondent

S.B. Criminal Miscellaneous Bail Application No. 15451/2024

Malaram S/o Mangilal, Aged About 29 Years, R/o Dolikala, Police Station Kalyanpur, Distt. Balotra, Rajasthan.

(Accused Petitioner Presently Confined In Central Jail, Jaipur).

-----Petitioner

Versus

State Of Rajasthan, Through PP

-----Respondent

S.B. Criminal Miscellaneous Bail Application No. 15452/2024

Subhash Vishnoi S/o Shri Arjunram, Aged About 32 Years, R/o Guda Vishnoiyan, Police Station Vivek Vihar, Distt. Jodhpur, Rajasthan.

(Accused Petitioner Presently Confined In Central Jail, Jaipur).

-----Petitioner

Versus

State Of Rajasthan, Through PP

-----Respondent

S.B. Criminal Miscellaneous Bail Application No. 15453/2024

Priyanka Kumari S/o Bhagirathram Vishnoi, Aged About 28 Years, R/o Devada Police Station Bagra, Distt. Jalore (Raj.). At

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[CRLMB-15080/2024]

Present Probationary Sub Inspector (Trainee), Rajasthan Police Academy, Jaipur.

(Presently Confining In Central Jail, Jaipur).

-----Petitioner

Versus

State Of Rajasthan, Through PP

-----Respondent

S.B. Criminal Miscellaneous Bail Application No. 15454/2024

Rakesh S/o Suresh Kumar, Aged About 28 Years, R/o Maligaon, Police Station Bagarr, District Jhunjhunu (Raj.)

(Presently Confined At Central Jail, Jaipur).

-----Petitioner

Versus

State Of Rajasthan, Through PP

-----Respondent

S.B. Criminal Miscellaneous Bail Application No. 15455/2024

Smt. Manju Devi Daughter Of Shri Ramji, Wife Of Shri Indra Kumar, Aged About 30 Years, Resident Of 02Dm, Dhandha, Tehsil Vijaynagar, Police Station Ramsinghpur, District Sri Ganganagar, Rajasthan Present In-Laws Village Poti, Tehsil And District Churu, Rajasthan

(Presently In Judicial Custody Central Jail Ghatgate)

-----Petitioner

Versus

State Of Rajasthan, Through P.P.

-----Respondent

S.B. Criminal Miscellaneous Bail Application No. 15456/2024

Surjeet Singh Yadav S/o Ramchandra Yadav, Aged About 26 Years, Resident Of Hardas Ka Bas, Dhani Padav Ki, Tehsil Shrimadhopur Police Station Ajitgarh, District Neem Ka Thana (Raj.)

(At Present Confined In Central Jail Jaipur)

-----Petitioner

Versus



State Of Rajasthan, Through P.P

-----Respondent

S.B. Criminal Miscellaneous Bail Application No. 15492/2024

Suresh Sahu S/o Jagdishram Sahu, Aged About 32 Years, R/o
Ridiya Dhora Village, Hemaguda, P.s. Jhaab, District Sanchor

(At Present Accused Is Confined In Central Jail, Ajmer).

-----Petitioner

Versus

State Of Rajasthan, Through PP

-----Respondent

S.B. Criminal Miscellaneous Bail Application No. 15457/2024

Gopiram Jangu S/o Kishanaramjangu, Aged About 25 Years,
R/o Siyago Ki Beri, P.s. Dhorimanna, Distt. Barmer

(Accused Is In Cutody Since 05-03-2024)

-----Petitioner

Versus

State Of Rajasthan, Through P.P.

-----Respondent

For Petitioner(s) : Mr. Madhav Mitra, Sr. Adv. with
Mr. Veerendra Singh, Ms. Jaya Mitra,
Mr. Rakesh Choudhary, in SB CRLMB
Nos.15080/2024 & 15456/2024

Mr. Vedant Sharma, Mr. Shivam
Sharma, in SB CRLMB Nos.
15081/2024, 15449/2024,
15450/202, 5451/2024 &
15452/2024

Mr. Deepak Chauhan, in SB CRLMB
No. 15082/2024

Mr. Manoj Sheoran, Mr. Princepal
Singh, in SB CRLMB No. 15151/2024



Mr. S.R. Bajwa, Sr. Adv. with Ms.
Savita Nathawat, in SB CRLMB No.
15152/2024

Mr. Karni Ola, in SB CRLMB
No.15153/2024

Mr. Gajveer Singh Rajawat, with Mr.
Suresh Khileri, in SB CRLMB No.
15448/2024

Mr. Yellop Singh, with Princepal Singh,
in SB CRLMB no. 15453/2024

Mr. Jitendra Choudhary, in SB CRLMB
Nos. 15454/2024 & 15455/2024

Mr. S.S. Hora, with Mr. T.C. Sharma
and Mr. Sahaj Veer Baweja in SB
CRLMB No. 15492/2024

Ms. Kanika Burman in Bail Appl. No.
15457/2024

For Respondent(s) : Mr. Anurag Sharma, learned Special
Public Prosecutor

HON'BLE MR. JUSTICE GANESH RAM MEENA

Order

Date of Reserve	:::	December 09, 2024
Date of Pronouncement	:::	December 12, 2024

1. All these post arrest bail applications have been filed by the accused petitioners in connection with FIR No.0010/2024 dated 03.03.2024 registered at Police Station Special Police Station (SOG), District ATS & SOG, for the offences punishable under sections 419, 420 and 120B IPC, sections 4,5 and 6 of the Rajasthan Public Examination (Prevention of Unfair Means) Act, 1992 (for short 'the Act of

1992') and section 66D of the Information & Technology Act, 2008 (for short 'the Act of 2008'), hence, same are being decided by this common order.

2. The brief facts of the case are that complainant Niyaj Mohammad Khand, Dy. Superintendent of Police, ATS & SOG lodged an FIR No.0010/2024 dated 03.03.2024 at Police Station Special Police Station (SOG), District ATS & SOG, for the offences punishable under sections 419, 420 and 120B IPC, sections 4,5 and 6 of the Act of 1992 and section 66D of the Act of 2008, which is quoted as under:-

"निवेदन है कि प्रकरण संख्या 540/2020 धारा 420, 120बी आईपीसी व धारा 4/6 राज. सार्वजनिक परीक्षा अधिनियम 1992 थाना सांगानेर जयपुर पूर्व का अनुसंधान मन् उप अधीक्षक पुलिस द्वारा किया जा रहा है दौरान अनुसंधान यह तथ्य सामने आया है कि रविन्द्र बाल भारती सीनियर सैकण्डरी स्कूल, शांतिनगर, हसनपुरा, जयपुर में स्थित है इस स्कूल के केन्द्राधीक्षक के रूप में राजेश खण्डेलवाल कार्य करते हैं प्रतियोगी परीक्षाओं के पेपर लीक करने वाली संगठित गैंग के सरगना जगदीश बिश्नोई पुत्र श्री हरीराम निवासी दाता थाना सांचौर जिला सांचौर, गैंग के सदस्य यूनीक भाम्बु उर्फ पंकज चौधरी पुत्र श्री जगदीशचन्द्र निवासी पूनियां कॉलोनी चुरू व शिवरतन मोट पुत्र श्री बंशीलाल मोट जाति ब्राह्मण निवासी ठेठार थाना राजियासर जिला श्रीगंगानगर हाल लाईब्रेरियन रा.उ. मा.वि. भोजेवाला ब्लॉक सुरतगढ जिला श्रीगंगानगर का संपर्क पिछले 6-7 वर्षों से केन्द्राधीक्षक राजेश खण्डेलवाल से है इस गैंग के उपरोक्त सदस्य समय-समय पर इस स्कूल सेन्टर पर आयोजित होने वाली प्रतियागी परीक्षाओं में बैठने वाले अपने परिचित अभ्यर्थियों के प्रश्न पत्र हल करवाने में राजेश खण्डेलवाल से मदद लेते हैं इकसी के चलते राजेश खण्डेलवाल के इस गैंग से सम्बन्ध प्रगाढ होते चले गये। राजस्थान लोक सेवा आयोग ने राजस्थान पुलिस उप निरीक्षक/प्लाटून कमाण्डर भर्ती करने सम्बन्धी

विज्ञप्ति वर्ष 2021 में प्रकाशित की। यह परीक्षा पूरे राजस्थान में दिनांक 13.09.2021 से 15.09.2021 तक आयोजित की गई। परीक्षार्थी को एक पेपर सुबह की पारी में समय 10.0 एएम से 12.00 पीएम तथा दूसरा पेपर सांयकाल पारी में समय 03.00 पीएम से 05.00 पीएम तक हल करना था। इस परीक्षा का एक परीक्षा केन्द्र रविन्द्र बाल भारती सीनियर सैकण्डरी स्कूल, शांतिगनर, हसनपुरा, जयपुर में था। जगदीश बिश्नोई, यूनीक भाम्बु उर्फ पंकज चौधरी व शिवरतन मोट ने इस स्कूल में केन्द्राधीक्षक राजेश खण्डेलवाल के साथ मिलकर इस परीक्षा का प्रश्नपत्रों को लीक करने का आपराधिक षडयंत्र रचा। इस आपराधिक षडयंत्र के क्रम में राजेश खण्डेलवाल ने यह तय किया कि प्रश्नपत्रों के स्कूल पर प्राप्ति से पूर्व यूनीक भाम्बु उर्फ पंकज चौधरी को स्कूल के आचार्य ऑफिस में घुसकर ऑफिस में बनी छोटी कोटड़ी में छुपना होगा, क्योंकि प्राप्त होने वाले प्रश्नपत्रों को इस ऑफिस में रखने के पश्चात कमरे को सील करना होगा तथा इसी अवधि में यूनीक भाम्बु उर्फ पंकज चौधरी पेपर को पैकेट से निकालकर उसकी मोबाईल फोन से फोटो खींचकर पेपर को जगदीश बिश्नोई के मोबाईल फोन पर जरिये व्हाट्सएप भिजवाना होगा। परीक्षा शुरू होने से करीब डेढ़-दो घंटे पहले परीक्षा केन्द्र पर प्रश्नपत्र आने थे। इस योजना को मूर्त रूप देने के लिये राजेश खण्डेलवाल ने परीक्षा सम्पादित करने के नाम पर रिकॉर्ड पर यूनीक भाम्बु उर्फ पंकज चौधरी की ड्यूटी लगाई। चूंकि यूनीक भाम्बु उर्फ पंकज चौधरी को आचार्य ऑफिस में छुपना था अतः उसकी जगह शिवरतन मोट से ड्यूटी करवाने का तय किया गया। शिवरतन मोट की ड्यूटी आचार्य ऑफिस के बाहर की निगरानी एवं संख्या पूर्ति हेतु लगाई गई। दिनांक 13.09.2021 को प्रश्नपत्र परीक्षा शुरू होने से डेढ़-दो घंटे पहले आने के बजाय थोड़ी देर पहले ही आये थे, इसलिये मुताबिक योजना पेपर लीक करने में सफलता नहीं मिली। दिनांक 14.09.2021 व 15.09.2021 को योजना के मुताबिक यूनीक भाम्बु उर्फ पंकज चौधरी प्रश्नपत्रों के केन्द्र पर प्राप्ति से पूर्व आचार्य ऑफिस में घुसकर छोटी कोटड़ी में छुप गया। प्रश्नपत्रों को आचार्य ऑफिस में रखे जाकर कमरे को सील करने के पश्चात यूनीक भाम्बु उर्फ पंकज चौधरी ने पैकेट में चीरा लगाकर पेपर निकालकर मोबाईल फोन से उसकी फोटो ली तथा पेपर को वापिस पैकेट में रखकर टेप से पैक कर दिया। तत्पश्चात यूनीक भाम्बु उर्फ पंकज चौधरी ने जरिये व्हाट्सएप

जगदीश बिश्नोई के पास उसके मोबाईल फोन पर भेज दिया। पेपर लेने के बदले में जगदीश बिश्नोई ने यूनीक भाम्बु उर्फ पंकज चौधरी के मार्फत राजेश खण्डेलवाल को दस लाख रुपये दिये। जगदीश बिश्नोई ने व्हाट्सअप पर आये प्रश्नपत्र का प्रिन्टर से प्रिन्ट लिया तथा इस प्रश्नपत्र को हल करने के पश्चात सॉल्वड पेपर को राजस्थान के विभिन्न भागों में मौजूद अपने साईट हैण्डलर्स के व्हाट्सअप के मास्टर ग्रुप पर एक साथ भेज दिया। जगदीश बिश्नोई व यूनीक भाम्बु उर्फ पंकज चौधरी द्वारा उपलब्ध कराये गये परीक्षार्थियों को साईट हैण्डलर्स द्वारा संबंधित परीक्षा केन्द्रों के नजदीक सॉल्वड पेपर को दिनांक 14.09.2021 व 15.09.2021 को पढ़ाया गया। साईट हैण्डलर्स अपने वाहनों से इन परीक्षार्थियों को पेपर पढ़ाने के पश्चात परीक्षा केन्द्रों तक पहुंचाया गया। प्रथम पारी की परीक्षा समाप्त होने के तुरंत बाद इन परीक्षार्थियों को साईट हैण्डलर्स द्वारा परीक्षा केन्द्र से ले जाया जाकर दूसरी पारी का पेपर पढ़ाया गया तथा पुनः परीक्षा केन्द्रों तक भिजवाया गया। इस परीक्षा के दौरान जगदीश बिश्नोई ने जहां मास्टर व्हाट्सअप ग्रुप पर सॉल्वड प्रश्नपत्र डालने के साथ-साथ इसी संगठित गैंग के एक और सदस्य हर्षवर्धन मीणा पुत्र श्री मुरारीलाल मीणा निवासी सालमपुर थाना मउवा जिला दौसा के मोबाईल फोन पर जरिये व्हाट्सअप सॉल्वड पेपर भेजा। हर्षवर्धन मीणा ने दिनांक 14.09.2021 का सॉल्वड प्रश्नपत्र अपने सहयोगी व इस गैंग के सदस्य अशोक सिंह नाथावत को जरिये व्हाट्सअप उसके मोबाईल फोन पर भेजा। दिनांक 14.09.2021 को अशोक सिंह नाथावत व एक अन्य गैंग सदस्य राजेन्द्र यादव उर्फ राजू पुत्र श्री तेजपाल जाति यादव निवासी टाडावास थाना कालाडैरा जिला जयपुर ग्रामीण, हर्षवर्धन के निर्देशानुसार उदयपुर पहुंचे। अशोक सिंह नाथावत व राजेन्द्र यादव उर्फ राजू ने उदयपुर में हर्षवर्धन के बताये दो लड़कों को दिनांक 14.09.2021 के दोनों सॉल्वड पेपर्स को पढ़ाया। हर्षवर्धन ने अपने सहयोगी व इस गैंग के एक अन्य सदस्य रिकू शर्मा निवासी दौसा के मोबाईल फोन पर अपने मोबाईल फोन से यही सॉल्वड पेपर भेजा, जिसमें कई परीक्षार्थियों को पेपर पढ़वाया। इसी तरह स्वयं हर्षवर्धन ने भी कई साईट हैण्डलर्स के माध्यम से पेपर परीक्षार्थियों को पढ़वाया। रिकू शर्मा व स्वरूप मीणा निवासी टीकरी जिला दौसा द्वारा कई अभ्यर्थी पेपर पढ़ने हेतु हर्षवर्धन को उपलब्ध करवाये गये। दिनांक 05.09.2021 को अशोक सिंह नाथावत व राजेन्द्र यादव उर्फ

राजू को उप निरीक्षक परीक्षा में सम्मिलित होना था। इन दोनों का परीक्षा केन्द्र उदयपुर था। हर्षवर्धन द्वारा जगदीश बिश्नोई व यूनीक भाम्बु उर्फ पंकज चौधरी से इस सम्बन्ध में बात की गई और जगदीश बिश्नोई व यूनीक भाम्बु के साईट हैण्डलर्स द्वारा इन दोनों को उदयपुर के एक होटल में ले जाकर कमरे में दोनों पारियों के सॉल्वड पेपर्स मोबाईल फोन पर पढ़ाये गये। इन दोनों के साथ तीन अभ्यार्थी और थे जिन्होंने भी उक्त पेपर मोबाईल फोन पर पढ़ा। इन तीन अभ्यार्थियों में से एक अभ्यार्थी लड़की जिसका नाम प्रेमसुखी निवासी बीकानेर थी तथा दो अन्य अभ्यार्थी थे। इन पांच में से तीन अभ्यार्थी अशोक सिंह नाथावत, राजेन्द्र यादव उर्फ राजू तथा प्रेमसुखी उप निरीक्षक पद पर अन्तिम रूप से चयनित हो गये। अशोक सिंह नाथावत व राजेन्द्र यादव उर्फ राजू ने अभी तक उप निरीक्षक पद पर जॉईनिंग नहीं दी है। प्रेमसुखी वर्तमान में राजस्थान पुलिस अकादमी, जयपुर में मूलभूत प्रशिक्षण प्राप्त कर रही है। जगदीश बिश्नोई, यूनीक भाम्बु उर्फ पंकज चौधरी व शिवरतन मोट द्वारा नियोजित साईट हैण्डलर्स द्वारा सॉल्वड पेपर्स को राजस्थान के विभिन्न भागों में काफी परीक्षार्थियों से धनराशि लेकर उन्हें पढ़ाया गया। इनके द्वारा पढ़ाये गये निम्न अभ्यार्थी राजस्थान पुलिस अकादमी में मूलभूत प्रशिक्षण प्राप्त कर रहे हैं—01. नरेश बिश्नोई निवासी मालावाड़ा जिला सांचौर, 02. नारंगी कुमारी बिश्नोई निवासी डूंगरपुर जिला सांचौर, 03. राजेश्वरी निवासी बिराबा जिला सांचौर, 04. गोपीराम जांगू निवासी सियागों की बेरी बाड़मेर, 05. श्रवण कुमार बिश्नोई निवासी राणसर खुर्द, गुडामालानी, बाड़मेर 06. मनोहर बिश्नोई निवासी फागलिया, बाड़मेर 07. सुरेन्द्र बिश्नोई निवासी दाता, सांचौर, 08. करणपाल गोदारा, 09. विवेक भाम्बु, 10. एकता कुमारी, 11. रोहिताश कुमार निवासी भूडा का बास, मलसीसर, झुन्झुनूं व अन्य दर्जनों उप निरीक्षक राजस्थान पुलिस अकादमी में मूलभूत प्रशिक्षण प्राप्त कर रहे हैं एवं चंचल पुत्री श्री श्रवणराम निवासी फिटकासनी जिला जोधपुर चयनित होकर वर्तमान में पुलिस ट्रेनिंग सेन्टर किशनगढ़ में मूलभूत प्रशिक्षण प्राप्त कर रही है। जगदीश बिश्नोई व यूनीक भाम्बु द्वारा पढ़ाये गये निम्न अभ्यार्थियों ने अन्तिम रूप से चयनित होने के बावजूद उप निरीक्षक पद पर जॉईन नहीं किया है— 01. अशोक सिंह नाथावत, 02. राजेन्द्र यादव उर्फ राजू, 03. सिद्धार्थ यादव पुत्र राजेन्द्र यादव निवासी जयपुर व कई अन्य चयनित अभ्यार्थियों ने भी जॉईन नहीं किया है।

जगदीश बिश्नोई गैंग के साथ मिलकर भूपेन्द्र सारण निवासी सांचौर, अनिल कुमार मीणा उर्फ शेरसिंह मीणा व सुरेश ढाका निवासी सांचौर व कई अन्य लोगों ने काफी समय तक साथ-साथ पेपर लीक करने का कार्य किया है। कालान्तर में भूपेन्द्र सारण व सुरेश ढाका ने पृथक गैंग तैयार कर पेपर लीक करने का कार्य निरंतर जारी रखा। इसी तरह अनिल कुमार मीणा उर्फ शेरसिंह मीणा ने भी अलग होकर इस कार्य को जारी रखा। तीनों ही गैंग अपने-अपने स्तर पर परीक्षाओं के पेपर लीक करने का कार्य करने लग गयी। परन्तु कोई गैंग किसी परीक्षा का पेपर लीक नहीं कर पाने की स्थिति में दूसरी गैंग के किसी सदस्य को विश्वास में लेकर चोरी छिपे लीक हुये पेपर को उनसे हासिल कर लेती थी। इस प्रकार सभी गैंग किसी न किसी तरह आपस में आंतरिक रूप से जुड़ी हुई थी। जगदीश बिश्नोई गैंग के सदस्य अशोक सिंह नाथावत के पास दिनांक 14.09.2021 के सॉल्वड पेपर्स हर्षवर्धन द्वारा उसके अभ्यर्थियों को पढ़ावाने के लिये भिजवाये गये थे परन्तु अशोक सिंह नाथावत से पन्द्रह लाख रुपये में अनिल कुमार मीणा उर्फ शेरसिंह को उक्त सॉल्वड पेपर्स बेच दिये। अनिल कुमार मीणा उर्फ शेरसिंह मीणा ने स्वयं ने तथा अपने साईट हैंडलर्स कमलेश मीणा निवासी गोविन्दगढ़ जिला जयपुर, अरुण शर्मा निवासी श्रीमाधोपुर जिला सीकर के माध्यम से दर्जनों अभ्यर्थियों को सॉल्वड पेपर्स पढ़वाया गया। इसके साथ-साथ अनिल कुमार मीणा उर्फ शेरसिंह ने पचास लाख रुपये में भूपेन्द्र सारण को उक्त सॉल्वड पेपर्स बेचने का सौदा किया और पच्चीस लाख रुपये प्राप्त किये, फलस्वरूप अनिल कुमार मीणा उर्फ शेरसिंह ने उक्त सॉल्वड पेपर्स को भूपेन्द्र सारण के मोबाईल फोन पर भेज दिया। भूपेन्द्र सारण व सुरेश ढाका ने अपने साईट हैंडलर्स, 01. सुनिल निवासी गज्जेवाला कोलायत जिला बीकानेर, 02. महेन्द्र निवासी आकोली, सांचौर, 03. सुनिल भादू निवासी हेमागुड़ा, सांचौर, 04. कमलेश ढाका (सुरेश ढाका का भाई), 05. सुरेश साहू निवासी हेमागुड़ा, सांचौर (सुरेश ढाका का जीजा) , 05. दिनेश सारण निवासी बिड़ाणी, सांचौर (सुरेश ढाका के मामा का लड़का) आदि के माध्यम से निम्न अभ्यर्थियों को सॉल्वड पेपर्स पढ़ाये जो अन्तिम रूप से चयनित होकर राजस्थान पुलिस अकादमी में मूलभूत प्रशिक्षण प्राप्त कर रहे हैं— 01. अभयसिंह निवासी सिवाड़ा, सांचौर, 02. मनोहर लाल निवासी विवियों का गोला भीनमाल, सांचौर, 03. मनोहरसिंह निवासी सेडिया, सांचौर, 04.

भगवती बिश्नोई निवासी सांचौर। इसके अतिरिक्त इस गैंग से लाभान्वित हुए दर्जनों अभ्यार्थी अन्तिम रूप से चयनित होकर मूलभूत प्रशिक्षण प्राप्त कर रहे हैं। भूपेन्द्र सारण व सुरेश ढाका द्वारा पढ़ाये गये अभ्यार्थी प्रवीण बिश्नोई पुत्र कुलदीप बिश्नोई निवासी डावल, सांचौर ने अन्तिम रूप से चयनित होने के बावजूद उप निरीक्षक पद पर जॉईन नहीं किया है। साथ ही संपतलाल बिश्नोई निवासी करावली सांचौर व उसके एक साथी को भी सॉल्वड पेपर्स पढ़ाये गये थे। इस प्रकार जगदीश बिश्नोई व यूनीक भाम्बु उर्फ पंकज चौधरी, शिवरतन मोट, राजेश खण्डेलवाल, हर्षवर्धन, अशोक सिंह नाथावत, राजेन्द्र यादव उर्फ राजू, रिकू शर्मा, स्वरूप मीणा द्वारा आपराधिक षडयंत्र के तहत उपरोक्त साईट हैण्डलर्स के माध्यम से उपरोक्त परीक्षार्थियों को उप निरीक्षक भर्ती का सॉल्वड पेपर्स दिनांक 14. 09.2021 व 15.09.2021 का धनराशि लेकर पढ़वाया गया। जिसके फलस्वरूप उक्त परीक्षार्थी उप निरीक्षक भर्ती परीक्षा में सफल हुये तथा परीक्षा में सॉल्वड पेपर्स से मदद ली। इसी तरह अनिल कुमार मीणा उर्फ शेरसिंह मीणा ने उपरोक्त साईट हैण्डलर्स की मदद से परीक्षार्थियों को सॉल्वड पेपर्स धनराशि लेकर पढ़ाये। भूपेन्द्र सारण व सुरेश ढाका ने उक्त अभ्यार्थियों से धनराशि लेकर उन्हें सॉल्वड पेपर्स पढ़ाया जिसके फलस्वरूप वे चयनित होने में सफल हुये। इस प्रकार उक्त अभ्यार्थियों ने उप निरीक्षक परीक्षा में सफल होने में अनुचित साधनों की मदद ली है इसके अतिरिक्त राजस्थान पुलिस अकादमी, जयपुर में मूलभूत प्रशिक्षण प्राप्त कर रहे उप निरीक्षकगणों में से दर्जनों उप **Cheating by impersonation** से सफल होने की जानकारी सामने आयी है। पेपल लीक करने वाले उपरोक्त संगठित गिरोह द्वारा उप निरीक्षक भर्ती परीक्षा 2021 में अनुचित साधनों व सामग्री का इस्तेमाल कर अयोग्य अभ्यार्थियों की नियम विरुद्ध सहायता कर उन्हें सदोष लाभ पहुंचाया है, जिसके फलस्वरूप अयोग्य अभ्यार्थी सफल होने में कामयाब हुये तथा योग्य अभ्यार्थी सफल होने से वंचित किये गये। इस प्रकार योग्य अभ्यार्थियों को सदोष हानि पहुंचाई गयी। पेपर लीक गिरोह के सदस्यों ने उक्त संगठित अपराध कारित कर करोड़ों रुपये का सदोष लाभ प्राप्त किया है, अतः रिपोर्ट पेश कर निवेदन है कि दोषियों के विरुद्ध प्रथम सूचना रिपोर्ट दर्ज कर आवश्यक कार्यवाही हेतु अनुरोध है।"



3. Mr. Madhav Mitra, Sr. Adv. assisted by Mr. Veerendra Singh, Ms. Jaya Mitra & Mr. Rakesh Choudhary, in Bail Application Nos.15080/2024 & 15456/2024, Mr. Vedant Sharma and Mr. Shivam Sharma, in Bail Application Nos. 15081/2024, 15449/2024, 15450/202, 5451/2024 & 15452/2024, Mr. Deepak Chauhan, in Bail Application No. 15082/2024, Mr. Manoj Sheoran, Mr. Princepal Singh, in Bail Application No. 15151/2024, Mr. S.R. Bajwa, Sr. Adv. assisted by Ms. Savita Nathawat, in Bail Application No.15152/2024, Mr. Karni Ola, in Bail Application No.15153/2024, Mr. Gajveer Singh Rajawat and Mr. Suresh Khileri, in Bail Application No. 15448/2024, Mr. Yellop Singh and Princepal Singh, in Bail Application No. 15453/2024, Mr. Jitendra Choudhary, in Bail Application Nos. 15454/2024 & 15455/2024 and Ms. Kanika Burman in Bail Application No. 15457/2024, submitted that the accused petitioners have been falsely implicated in this case as general and omnibus allegations have been levelled against them. It has been submitted that the allegations against the accused petitioners are of reading the solved question paper on Mobile phone on WhatsApp provided to them by the site handlers of the persons involved and managed in leakage of question paper and they passed the examination. It has also been submitted that this exercise



taken place in one and a half hours. It is highly impractical for a candidate to read the solved question paper on a mobile set that too in a very short span, as, the candidates are required to reach the Center an hour before examination. However, no such evidence has been collected by the Investigating Agency during the course of investigation which connects the accused petitioners with the alleged crime.

It has also been submitted that the offences alleged to have been committed by the accused petitioners are triable by the Magistrate, charge-sheet has since been filed against them and the trial of the case is likely to take time to conclude. It has also been submitted that the accused petitioners have committed no offence of cheating or forgery.

It has also been submitted that there is no evidence on record so as to connect the accused petitioners with the alleged offences except the information given by them under section 27 of the Indian Evidence Act, which cannot be the sole ground for conviction.

It has also been submitted that co-accused persons namely; (1) Karanpal Godara s/o Omprakash Godara (Bail Application No. 6717/2024), (2) Ekta d/o Mohan Singh (Bail Application No.6728/2024), (3) Manohar Lal s/o Shri Kishnaram (Bail Application No.7340/2024), (4) Surendra Kumar s/o Mohanram (Bail Application No.7351/2024), (5)

Rohitashwa Kumar s/o Shri Shishupal Jaat (Bail Application No.7364/2024), (6) Premasukhi w/o Shri Rajkumar d/o Shri Ramswaroop (Bail Application No.9183/2024), (7) Abhishek Vishnoi s/o Shri Dalpatsingh Vishnoi (Bail Application No.9710/2024), (8) Rajeshwari d/o Babulal (Bail Application No.11330/2024), (9) Neeraj Kumar s/o Kavar Singh Yadav (Bail Application No.13393/2024), and (10) Praveen Kumar s/o Shri Mohan Lal Vishnoi (Bail Application No.11531/2024), have been granted the benefit of bail by this Court vide order dated 22.11.2024 and the case of the present accused petitioners stands on similar footings to that of above-named accused persons who have been granted indulgence of bail by this Court.

It has also been submitted that during the course of investigation, the accused petitioners were arrested, the details of arrest of each of the accused petitioner is mentioned in the form of chart, which is as under:-

S.No.	Name of accused petitioner	Date of Arrest
1.	Vivek Bhambhu	05.03.2024
2.	Sharwan Kumar	05.03.2024
3.	Renu Kumari	09.10.2024
4.	Naresh Kumar	05.03.2024
5.	Ajay Vishnoi	03.04.2024
6.	Narngi Kumari	05.03.2024
7.	Dinesh Kumar	12.07.2024
8.	Suresh Kumar Bagadia	03.04.2024
9.	Dinesh Vishnoi	03.04.2024



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10.	Malaram	03.04.2024
11.	Subhash Vishnoi	03.04.2024
12.	Priyanka Kumari	06.10.2024
13.	Rakesh	03.04.2024
14.	Smt. Manju Devi	31.08.2024
15.	Surjeet Singh	09.10.2024
16.	Gopiram Jangu	05.03.2024

4. Mr. Anurag Sharma, learned Special Public Prosecutor while opposing the bail application of accused petitioner- Vivek Bhambhu has submitted that the accused petitioner has willingly gave information while he was in custody that his brother Pankaj contacted Uniqu Bhambhu and Uniqu Bhambhu said that he will provide a mobile set and will transmit the solved question paper before the written examination starts and later-on he received the question papers on mobile and after going through the same on mobile, appeared in the examination. Learned Special Public Prosecutor also submitted that the a mobile set was also recovered from the accused petitioner while he was arrested. Some documents were also recovered at the instance of the accused petitioner which were sent to the FSL Department for its report. The FSL Report certifies the handwriting of the accused petitioner.

5. Mr. Anurag Sharma, learned Special Public Prosecutor while opposing the bail application of accused petitioner-



Sharwan Kumar Vishnoi has submitted that after arrest the accused petitioner at his own sweet will informed the Investigating Officer that for the SI Written Examination of question paper he contacted Jagdish Vishnoi who said that a person of Uniq Bhambhu will allow to read both the solved papers and will leave at the examination center. He also submitted that during search of the residence of the accused petitioner, a slip was also found with the mention that out of Rs.20 lakh as agreed, Rs.10 lakh have been paid to Jagdish at the Farm House and in the FSL Report the said handwriting has been verified to be of the accused petitioner.

6. Mr. Anurag Sharma, learned Special Public Prosecutor while opposing the bail application of accused petitioner- Renu Kumari has submitted that she was provided solved paper by Purshottam Dadhich before the examination and the call details of the mobile phone number of the accused petitioner were also taken on record which speaks of the conversation of the accused petitioner with Purshottam Dadhich. Some documents were also seized during the search, which were sent for the FSL report and in the FSL Report the handwriting of the accused petitioner has been verified.

7. Mr. Anurag Sharma, learned Special Public Prosecutor while opposing the bail application of accused petitioner-



Naresh Kumar has submitted that the accused petitioner during investigation willingly gave the information that his conversation was done with Jagdish Vishnoi for reading the paper of SI Examination, 2021 and Jagdish Vishnoi told him that on the date of examination, a call of his person will come and he will allow to read both to solved papers to him and he will leave at the Center. It has also been submitted that the house of the accused petitioner was searched and during the course of search one handwritten paper was recovered. Learned Special Public Prosecutor also submitted that the a mobile set was also recovered from the accused petitioner while he was arrested. Some documents were also recovered at the instance of the accused petitioner which were sent to the FSL Department for its report. The FSL Report certifies the handwriting of the accused petitioner.

8. Mr. Anurag Sharma, learned Special Public Prosecutor while opposing the bail application of accused petitioner- Ajay Vishnoi has submitted that the accused petitioner willingly gave information that before the examination of SI, for getting the paper, he talked through Shaitana Ram, Constable, who is posted in Police Station Dangiyawas. It has also been submitted that the accused petitioner also gave the information that through Vishnu Sav, for getting the paper from Shaitana Ram, Constable he settled to take the paper in



Rs.15 lakh and out of the aforesaid amount he called Vishnu Sav at Dangiyawas to give Rs.5 lakh to Shaitana Ram. The place where the said amount was given was verified.

It has also been submitted by the learned Public Prosecutor that the accused petitioner also willingly gave information that through Vishnu Sav, for getting the paper from Shaitana Ram, Constable before starting of the examination, he settled to take the paper in Rs.15 lakh. Out of aforesaid amount, Rs.10 lakh were given to Visnu Sav, which were to be paid to Shaitanram, at Sukhi Hotel in Village Karwad. It has also been submitted that a mobile set was also recovered from the accused petitioner while he was arrested. Some documents were also recovered at the instance of the accused petitioner which were sent to the FSL Department for its report. The FSL Report certifies the handwriting of the accused petitioner.

9. Mr. Anurag Sharma, learned Special Public Prosecutor while opposing the bail application of accused petitioner-Nargi Kumari submitted that the accused petitioner willingly gave the information that for reading the paper of SI Examination, she talked with Jagdish Vishnoi and Jagdish Vishnoi told to her that when she will reach Ajmer, a call of his person will come and his person will allow to read the solved question papers to her. The accused petitioner also

stated that she was allowed to read the papers near Anasagar Lake, which she identified. Learned Special Public Prosecutor also submitted that the a mobile set was also recovered from the accused petitioner while he was arrested. Some documents were also recovered at the instance of the accused petitioner which were sent to the FSL Department for its report. The FSL Report certifies the handwriting of the accused petitioner.

10. Mr. Anurag Sharma, learned Special Public Prosecutor while opposing the bail application of accused petitioner- Dinesh Kumar submitted that the accused petitioner willingly gave the information that he read the solved paper of SI Examination through Om Prakash Dhaka for which he gave Rs.3 lakh to him in Jodhpur. The accused petitioner also stated that his written examination was held on 14.09.2021 in Udaipur and he arranged to read the solved paper on the mobile of handler of Om Prakash Dhaka. Learned Special Public Prosecutor also submitted that the a mobile set was also recovered from the accused petitioner while he was arrested. Some documents were also recovered at the instance of the accused petitioner which were sent to the FSL Department for its report. The FSL Report certifies the handwriting of the accused petitioner.

11. Mr. Anurag Sharma, learned Special Public Prosecutor while opposing the bail application of accused petitioner-Surendra Kumar Bagadia submitted that accused petitioner willingly gave the information that neighbourer of his village Shiv Singh sent leaked solved papers on his Mobile Phone on WhatsApp and he agreed to give Rs.20 lakh to Shiv Singh Shekhawat. The accused petitioner also stated that he gave Rs.20 lakh to Shiv Singh in two installments in his Dhani, which was verified. Learned Special Public Prosecutor also submitted that the a mobile set was also recovered from the accused petitioner while he was arrested. Some documents were also recovered at the instance of the accused petitioner which were sent to the FSL Department for its report. The FSL Report certifies the handwriting of the accused petitioner.

12. Mr. Anurag Sharma, learned Special Public Prosecutor while opposing the bail application of accused petitioner-Dinesh Vishnoi submitted that the accused petitioner willingly gave the information that in regard to SI Examination, his conversation was made with Atul Vishnoi. Accused petitioner further stated that as per say of Atul Vishnoi, the site handlers of Jagdish Vishnoi and Uniq Bhambu allowed to read the leaked solved papers in Kota, which was verified. He also submitted that the a mobile set was also recovered from the accused petitioner while he was arrested. Some documents



were also recovered at the instance of the accused petitioner which were sent to the FSL Department for its report. The FSL Report certifies the handwriting of the accused petitioner.

13. Mr. Anurag Sharma, learned Special Public Prosecutor while opposing the bail application of accused petitioner-Malaram submitted that the accused petitioner willingly gave the information that he contacted through Shrawan Vishnoi, who is site handler of Jagdish Vishnoi and Uniq Bhambu for reading the leaked papers on Tablet in Bikaner in Rs.20 lakh. The accused petitioner further stated that he gave Rs.20 lakh in cash to Shrawan Ram in his house, which has been verified. He also submitted that the a mobile set was also recovered from the accused petitioner while he was arrested. Some documents were also recovered at the instance of the accused petitioner which were sent to the FSL Department for its report. The FSL Report certifies the handwriting of the accused petitioner.

14. Mr. Anurag Sharma, learned Special Public Prosecutor while opposing the bail application of accused petitioner-Subash Vishnoi submitted that the accused petitioner willingly gave the information that the site handlers of Jagdish Vishnoi and Uniq Bhambhu @ Pankaj Choudhary allowed to read the leaked solved papers on mobile in Jaipur, which was verified. The accused petitioner also stated that a settlement of Rs.20



lakh was done of him with Atul Vishnoi to be given after joining and this amount has to be given to him. He also submitted that the a mobile set was also recovered from the accused petitioner while he was arrested. Some documents were also recovered at the instance of the accused petitioner which were sent to the FSL Department for its report. The FSL Report certifies the handwriting of the accused petitioner.

15. Mr. Anurag Sharma, learned Special Public Prosecutor while opposing the bail application of accused petitioner-Priyanka Kumari has submitted that the accused petitioner willingly gave the information that before conducting of the examination, she along-with her brother read the leaked solved paper on mobile from Gopal Saran in Jaipur, which was verified. The accused petitioner further stated that Gopal Saran sent the leaked solved paper on Mobile Phone on WhatsApp of her brother Dinesh and her brother got it read to her. Some documents were also recovered at the instance of the accused petitioner which were sent to the FSL Department for its report. The FSL Report certifies the handwriting of the accused petitioner.

16. Mr. Anurag Sharma, learned Special Public Prosecutor while opposing the bail application of accused petitioner-Rakesh has submitted that the accused petitioner willingly gave the information that the site handler of Uniq Bhambhu



@ Pankaj Choudhary arranged to read the leaked solved paper on mobile in Kota, which was verified. The accused petitioner also stated that in regard to solved leaked paper, a settlement of Rs.9 lakh was done in between him and Uniq Bhambhu @ Pankaj Choudhary. Out of the aforesaid amount, Rs.2 lakh were given in cash before the examination to Uniq Bhambhu in Churu near Karni Tea Stall, which was verified. He also submitted that the a mobile set was also recovered from the accused petitioner while he was arrested. Some documents were also recovered at the instance of the accused petitioner which were sent to the FSL Department for its report. The FSL Report certifies the handwriting of the accused petitioner.

17. Mr. Anurag Sharma, learned Special Public Prosecutor while opposing the bail application of accused petitioner-Smt. Manju Devi has submitted that the accused petitioner willingly gave the information that she read the solved leaked paper of SI in Jaipur outside the examination center on the Mobile Phone on WhatsApp of Deepak Rahad. He also submitted that the a mobile set was also recovered from the accused petitioner while he was arrested. Some documents were also recovered at the instance of the accused petitioner which were sent to the FSL Department for its report. The FSL Report certifies the handwriting of the accused petitioner.



18. Mr. Anurag Sharma, learned Special Public Prosecutor while opposing the bail application of accused petitioner-Surjeet Singh Yadav has submitted that the accused petitioner willingly gave the information that before 3-4 days of written examination, he got received three sets of solved question papers from his brother Nagesh. The accused petitioner also stated that at which place he prepared from the aforesaid question papers, he can show the same, which were identified. The call details of the mobile phone number of the accused petitioner were also taken on record which speaks of the conversation of the accused petitioner with his brother Nagesh. Some documents were also seized during the search, which were sent for the FSL report and in the FSL Report the handwriting of the accused petitioner has been verified.

19. Mr. Anurag Sharma, learned Special Public Prosecutor while opposing the bail application of accused petitioner-Gopiram Jangu has submitted that the accused petitioner willingly gave the information that for the paper of SI Examination, he talked with Jagdish Vishnoi at his Farm House. The accused petitioner stated that Jagdish Vishnoi told him that whenever he (accused petitioner) will go Bikaner for appearing in the examination, his person will meet him in Bikaner and his person will arrange both solved papers on his



mobile will drop him (accused petitioner) at the examination center. The accused petitioner also stated that on 15.9.2021 his examination Center for SI was in Bikaner. The accused petitioner also stated the person of Jagdish Vishnoi contacted him and took him near the examination center and read him the solved papers. He also submitted that the a mobile set was also recovered from the accused petitioner while he was arrested. Some documents were also recovered at the instance of the accused petitioner which were sent to the FSL Department for its report. The FSL Report certifies the handwriting of the accused petitioner.

20. Mr. S.S. Hora with Mr. T.C. Sharma and Mr. Sahaj Veer Baweja in Bail Application No.15492/2024 submitted that the accused petitioner has falsely been implicated in this case as he has nothing to do with the alleged incident. Counsel further submitted that the accused petitioner is in custody since 26.3.2024 i.e. since last eight months. The offences alleged to have been committed by the accused petitioner is triable by Magistrate, charge-sheet has been filed and the trial of the case is likely to take time to conclude.

Counsel also submitted that the case of the present accused petitioner is on better footing than the case of co-accused Praveen Kumar, who is alleged to be a paper solver in the aforementioned FIR and he has been granted



indulgence of bail by this Court vide order dated 22.11.2024. It has also been submitted that the allegation against the accused petitioner is merely of a site-handler to a person who himself is not directly related to the leaking of paper. It has also been submitted that the accused petitioner was not present at the place of incident on the alleged date of incident i.e. 14.09.2021 as he was on duty in his school located at Rampura, Chitalwana.

Counsel also submitted that no recovery has been made from the accused petitioner or at his instance in accordance with section 27 of the Indian Evidence Act. Counsel also submitted that no grounds of arrest were provided to the accused petitioner at the time of arrest.

In support of his submissions, counsel has placed reliance upon following judgments:-

1. *Navaneethankrishnan V. State, reported in (2018) 16 SCC 161;*
2. *Prabir Purkayastha v. State (NCT of Delhi), reported in (2024) SCC OnLine SC 934; and*
3. *Mahesh Pandurang v. State of Maharashtra (WP (ST No. 13835 of 2024 Bom HC).*

21. Mr. Anurag Sharma, learned Special Public Prosecutor while opposing the bail application of accused petitioner-Suresh Sahu submitted that there are evidence available on the record which has been collected during investigation,



which clearly speaks of the involvement of the accused petitioner in leakage and transmitting of the question papers to various candidates of SI Recruitment Examination. He also submitted that the accused petitioner- Suresh Sahu at his own sweet gave information to the Investigating Agency that after getting the solved question papers of SI Recruitment Examination, 2021 from Bhupendra Saharan and Suresh Dhaka, he on their instructions made available the solved papers to various candidates and he can show the place where he has made available the solved question papers to the candidates. On the said information given by the accused petitioner under section 27 of the Evidence Act, the same was verified by him.

22. Learned Special Public Prosecutor also submitted that the allegations against the accused petitioner- Suresh Sahu on the basis of evidence collected during investigation, are found to be proved. He also stated that two other criminal cases of similar nature are pending against the accused petitioner; one is Criminal Case No. 227/2022, registered on 25.12.2022 at Police Station Bekariya, District Udaipur regarding the Teacher Gr.II Recruitment Examination, 2022 and second is Criminal Case No.556/2022 registered on 21.12.2022 at Police Station Sabina, District Udaipur in regarding to arranging the dummy candidates for appearing

in Teacher Gr.II Recruitment Examination, 2022 in place of original candidates.

23. Considered the submissions advanced by Counsel appearing on behalf of the accused petitioner- Suresh Sahu, learned Special Public Prosecutor and gone through the charge-sheet, factual report and other material made available to the Court and so also the case law cited.

24. In the case of **Navaneethakrishnan (supra)**, the Hon'ble Apex Court in **paras 26 and 27** has observed as under:-

"26. Section 26 of the Evidence Act is applicable only if the confessional statement leads to the discovery of some new fact. The relevance is limited as relates distinctly to the fact thereby discovered. In the case at hand, the Yashika Camera which was recovered at the instance of Accused No. 3 was not identified by the father as well as the mother of the deceased. In fact, the prosecution is unable to prove that the said camera actually belongs to the deceased-John Bosco. Though the mobile phone is recovered from A-1, but there is no evidence on record establishing the fact that the cell phone belongs to the deceased-John Bosco or to PW-8 as the same was not purchased in their name. Further, the prosecution failed to examine the person on whose name the cell phone was purchased to show that it originally belongs to PW-8 to prove the theory of PW-8 that he had purchased and given it to the

deceased John-Bosco. Further, the material objects, viz., Nokia phone and Motor Bike do not have any bearing on the case itself. The Nokia phone was recovered from Accused No. 1 and it is not the case that it was used for the commission of crime and similarly the motor cycle so recovered was of the father of Accused No. 3 and no evidence has been adduced or produced by the prosecution as to how these objects have a bearing on the case. In fact, none of the witnesses have identified the camera or stated the belongings of John Bosco. The said statements are inadmissible in spite of the mandate contained in Section 27 for the simple reason that it cannot be stated to have resulted in the discovery of some new fact. The material objects which the police is claimed to have recovered from the accused may well have been planted by the police. Hence, in the absence of any connecting link between the crime and the things recovered, there recovery on the behest of accused will not have any material bearing on the facts of the case.

27. *The law is well settled that each and every incriminating circumstance must be clearly established by reliable and clinching evidence and the circumstances so proved must form a chain of events from which the only irresistible conclusion about the guilt of the accused can be safely drawn and no other hypothesis against the guilt is possible. In a case depending largely upon circumstantial evidence, there is always a danger that conjecture or suspicion may take the place of legal proof. The*

court must satisfy itself that various circumstances in the chain of events must be such as to rule out a reasonable likelihood of the innocence of the accused. When the important link goes, the chain of circumstances gets snapped and the other circumstances cannot, in any manner, establish the guilt of the accused beyond all reasonable doubt. The court has to be watchful and avoid the danger of allowing the suspicion to take the place of legal proof for sometimes, unconsciously it may happen to be a short step between moral certainty and legal proof. There is a long mental distance between "may be true" and "must be true" and the same divides conjectures from sure conclusions. The Court in mindful of caution by the settled principles of law and the decisions rendered by this Court that in a given case like this, where the prosecution rests on the circumstantial evidence, the prosecution must place and prove all the necessary circumstances, which would constitute a complete chain without a snap and pointing to the hypothesis that except the accused, no one had committed the offence, which in the present case, the prosecution has failed to prove."

25. In the case of **Prabir Purkayastha (supra)**, the Hon'ble Apex Court in **paras 19, 22, 25 and 28** has held as under:-

"19. Resultantly, there is no doubt in the mind of the court that any person arrested for allegation of

commission of offences under the provisions of UAPA or for that matter any other offence(s) has a fundamental and a statutory right to be informed about the grounds of arrest in writing and a copy of such written grounds of arrest have to be furnished to the arrested person as a matter of course and without exception at the earliest. The purpose of informing to the arrested person the grounds of arrest is salutary and sacrosanct inasmuch as this information would be the only effective means for the arrested person to consult his advocate; oppose the police custody remand and to seek bail. Any other interpretation would tantamount to diluting the sanctity of the fundamental right guaranteed under Article 22(1) of the Constitution of India.

22. *The learned ASG referred to the language of Article 22(5) of the Constitution of India and urged that even in a case of preventive detention, the constitutional scheme does not require that the grounds on which the order of detention has been passed should be communicated to the detenu in writing. Ex facie, we are not impressed with the said submission.*

25. *Further, this Court in Lallubhai Jogibhai Patel v. Union of India [Lallubhai Jogibhai Pate v. Union of India, (1981) 2 SCC 427 : 1981 SCC (Cri) 463] , laid down that the grounds of detention must be communicated to the detenu in writing in a language which he understands and if the grounds are only verbally explained, the constitutional mandate of*

Article 22(5) is infringed. The relevant para is extracted hereunder : (SCC p. 436, para 20)

"20. ... "Communicate" is a strong word. It means that sufficient knowledge of the basic facts constituting the "grounds" should be imparted effectively and fully to the detenu in writing in a language which he understands. The whole purpose of communicating the "ground" to the detenu is to enable him to make a purposeful and effective representation. If the "grounds" are only verbally explained to the detenu and nothing in writing is left with him, in a language which he understands, then that purpose is not served, and the constitutional mandate in Article 22(5) is infringed."

***28.** The language used in Article 22(1) and Article 22(5) of the Constitution of India regarding the communication of the grounds is exactly the identical. Neither of the constitutional provisions require that the "grounds" of "arrest" or "detention", as the case may be, must be communicated in writing. Thus, interpretation to this important facet of the fundamental right as made by the Constitution Bench while examining the scope of Article 22(5) of the Constitution of India would ipso facto apply to Article 22(1) of the Constitution of India insofar as the requirement to communicate the grounds of arrest is concerned."*

26. In the case of **Mahesh Pandurang Naik (supra)**, the Bombay High Court in para 24 has held as under:-

"24. *The decisions of the Apex Court in Pankaj Bansal Vs. Union of India and in Prabir Purkayastha Vs. State (NCT of Delhi), which now is the law declared by the Apex Court, in the wake of Article 141 of the Constitution of India, bind all the Courts within the territory of India. Similarly, in terms of Article 144, since all the authorities, civil and judicial, in the territory of India shall act in aid of the Supreme Court, the law shall be followed by all concerned, including the Courts as well as the authorities exercising the power of arrest.*

In light of the elucidation of law in the above manner, the focus being clause (1) of Article 22 of the Constitution of India, when we have examined the present case, it is evident that the grounds of arrest were not furnished to the Petitioner in writing and the arrest/surrender form/panchnama produced before us, column 8 is an unfilled column, which in fact expected the arresting authority to ensure, "whether the arrested person, after being informed of the grounds of arrest and his legal rights, was duly taken into custody on --- (date) --- (hours) ---- (place)". The form only indicate that the intimation of arrest was given to Laxmi Pandurang Naik, mother of the Petitioner. The station diary entry record that note of his arrest has been taken in the concerned Register and he was apprised of the reasons of arrest and, thereafter, he was arrested.

The procedure followed by Respondent No.2 is evidently in violation of sub-clause (1) of Article 22

of the Constitution of India and, since, this provision now stands interpreted by the Apex Court in Pankaj Bansal (supra) and in the wake of the declaration, coming into effect from 03/10/2023, any arrest made thereafter must ensure compliance, by indicating the 'ground(s) of arrest in writing' expeditiously.

The ratio aid down by he Apex Court having been declared to be law of land, binding on all courts of the country, by virtue o Article 14 of the Constitution of India, needless to state, must be followed by each and every one, including any officer/person/magistrate, before effecting arrest of a person, in any case, where his arrest is deemed necessary and this ground shall contain all such details in the hand of the Investigating Officer, which necessitated the arrest of the accused."

27. As regards the bail application of accused petitioner- Suresh Sahu is concerned, on consideration of the submissions made by the Counsel and the learned Special Public Prosecutor and on perusal of the charge-sheet as well as other material made available to the Court and so also the judgments cited by the counsel for the accused petitioner and more particularly the fact that the accused petitioner- Suresh Sahu is found to be involved in two other criminal cases of similar nature and so also the allegations against him which are of serious and grave nature, affecting the recruitment



system and the same is an offence against the whole society and so also the view taken by this Court while considering the bail applications of other co-accused persons namely; Girdhariram s/o Birbal Ram, Jagdish Siyag s/o Shree Bhagwanaram, Harkhu d/o Jogaram, Chetan Singh Meena s/o Shravan Lal Meena, Dinesh Singh Chouhan s/o Dhanpat Singh Chouhan, Rajaram @ Raju Matrix s/o Ramrakh, Ankita Godara d/o Shri Shyam Sundar Vishnoi, Bhagwati Vishnoi w/o Vinay Vishnoi d/o Veeraram and Hanuman Prasad s/o Gyarsilal, who were also found to be involved in paper leak and distributing the solved papers for earning the money for their personal interest, this Court is not inclined to enlarge the accused petitioner- Suresh Sahu on bail.

28. Accordingly, the bail application of accused petitioner- Suresh Sahu is dismissed.

29. On consideration of submissions made by the Senior Counsel and other counsels appearing on behalf of the accused petitioners namely; Vivek Bhambhu, Sharwan Kumar Vishnoi, Renu Kumari, Naresh Kumar, Ajay Vishnoi, Narngi Kumari, Dinesh Kumar, Surendra Kumar Bagadia, Dinesh Vishnoi, Malaram, Subhash Vishnoi, Priyanka Kumari, Rakesh, Smt. Manju Devi, Surjeet Singh Yadav and Gopiram Jangu as well as the learned Special Public Prosecutor, as also the



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status report and the other material made available by the learned Special Public Prosecutor, so also the contents of the charge-sheet, the allegation against the above-named accused petitioners is of reading the solved leaked papers on Mobile Cellphone before appearing in the examination and answered the questions during the examination. The evidence collected during investigation so as to substantiate the allegations against them are recovery of certain documents which bears the entries in regard to the payment of money in lieu of getting the solved papers.

30. The documents which have been said to be recovered from the accused petitioners after their personal or residential search said to speak of allegations against the accused petitioners. From the possession of the accused petitioner Vivek Bhambhu, a slip is said to have been recovered with the contents as under:-

" दिनांक 14 sep 2021 की रात को 200 फिट बाईपास से भाई सहाब से मोबाईल जिस पर पेपर पढ़ना है। लेना है। "

From the possession of the accused petitioner -Sharwan Kumar, a paper has been recovered with the following contents:-

" परीक्षा से 1-2 माह पहले 20 लाख में से 10 लाख रुपये जगदीश को फार्म हाउस पर दिये। "

From the possession of the accused petitioner- Naresh Kumar also a paper has been recovered with the following contents:-

*"लिखित **Exam** के बाद 5 लाख जगदीश के आदमी को दिये।
फिजिकल **Test** के दौरान 5 लाख जगदीश के आदमी को दिये।
अंतिम परिणाम के दौरान 10 लाख जगदीश को दिये। "*

From the possession of the accused petitioner- Ajay Vishnoi, a paper has been recovered with the following contents:-

*" **SI** परीक्षा "*

" शैतानजी डांगियास को 15 लाख दिये "

" हस्ते-विष्णुजी "

From the possession of the accused petitioner- Narngi Kumari, a paper has been recovered with the following contents:-

*"जगदीश जी का आदमी परीक्षा के दिन सुबह जल्दी बस स्टैण्ड
अजमेर पर मिलेगा। "*

From the possession of the accused petitioner- Surendra Kumar Bagadia, a paper has been recovered with the following contents:-

*" **SI** पेपर "*

*"शिवसिंह जी **RAC** 20 लाख दिये।"*

From the possession of the accused petitioner-
Dinesh Vishnoi, a paper has been recovered with the
following contents:-

"सोदा-15 लाख

दिये 7 लाख अतुल विश्‍नोई (रिजल्ट आने के बाद)"

From the possession of the accused petitioner-
Malaram, a paper has been recovered with the following
contents:-

"SI"

**"पेपर के पेटे श्रवण बाबल को रिजल्ट आने के 5-6 दिन बाद
20 लाख रुपये उसके घर पर दिये।"**

From the possession of the accused petitioner-
Subhash Vishnoi, a paper has been recovered with the
following contents:-

" अतुलजी को 20 लाख देने है।"

From the possession of the accused petitioner-
Rakesh, a paper has been recovered with the following
contents:-

"SI पेपर 2021"

**"2 लाख रुपये दिनांक 12 Sep.2021 को चुरू में
करणी Tea Stall के पास यूनिक भाम्बू को नगद दिये।"**



31. The aforementioned documents recovered from various accused petitioners prima facie speak of some thing else than what the Investigating Agency is claiming, though the same is subject to the scrutiny by the trial court, though this Court is not doubting the fairness of the Investigating Officers without there being any cogent evidence. However, looking to the documents/ slips, as mentioned above, speak of some kind of hanky panky because in an ordinary course a person will not retain loose papers with the contents as mentioned above.

32. The offences under the Rajasthan Public Examination (Prevention of Unfair Means) Act, 1992 have been described in sections 3, 4, 5, 6 and 7, which are quoted as under:-

"3. Prohibition of use of unfairmeans.—No person shall use unfairmeans at any public examination.

4. Unauthorised possession or disclosure of question paper.—No person who is not lawfully authorised or permitted by virtue of his duties so to do shall, before the time fixed for distribution of question papers to examinees at a public examination—

(a) procure or attempt to procure or possess, such question paper or any portion or copy thereof; or

(b) impart or offer to impart, information which he knows or has reason to believe to be related to, or derived from or to have a bearing upon such question paper.

5. Prevention of leakage by person entrusted with examination work.— No person who is entrusted with any work pertaining to public examination shall, except where he is permitted by virtue of his duties so to do, directly, or indirectly divulge or cause to be divulged or make known to any other person any information or part thereof which has come to his knowledge by virtue of the work being so entrusted to him.

6. Penalty.—Whoever contravenes or attempts to contravene or abets the contravention of the provisions of section 3 or section 4 or section 5, shall be punished with imprisonment for a term which may extend to three years or with fine which may extend to two thousand rupees or with both.

7. Penalty for offence with preparation to cause hurt.— Whoever commits an offence punishable under section 6 having made preparation for, causing death of any person or causing hurt to any person or assaulting any person or for wrongfully restraining any person or for wrongful restraint shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine which may extend to five thousand rupees.”

33. The definition of 'Unfair means' has been given in sub-section (c) of Section 2 of the Act of 1992, which is quoted as under:-

"(c) 'unfair means' in relation to an examination while answering question in a public examination, means the unauthorised help from any person, or from any material written, recorded or printed, in any form whatsoever or the use of any unauthorised telephonic, wireless or electronic or other instrument or gadget; and"

34. This Court while considering the bail application No. 5409/2024, Girdhariram Vs. State of Rajasthan and other bail applications, decided on 22.11.2024 has observed in paras 58 and 59 as under:-

"58. For consideration of bail to the accused in view of the facts and allegations as stated in the above paras, the Court is also conscious of the fact that because of leakage of paper, the whole recruitment process has come under clouds. The credibility of the recruitment agency has also been doubted and the whole recruitment process has been much adversely affected which is resulting into adverse effect on the administration. The allegations are of such a nature which put impact on the whole society. However, in the back-ground of the allegations and the evidence collected by the Investigating Agency, the criminal intention of the accused petitioners is more material. The intention

of certain accused persons in leakage of paper, arranging dummy candidates, appeared as dummy candidates, may be to gain finance for themselves without keeping in mind the overall effect over the recruitment process. The intention of some of the accused petitioners who are the candidates and appeared in the written examination after going through the solved paper on the mobile for a period of about one hour, may be to get some help in answering the question, if allegations against them are found to be proved.

59. *It would not be appropriate at this stage to make appreciation in regard to the allegations against the accused petitioners, the submissions made on their behalf and the evidence collected during investigation because that may affect the trial against these persons and so also the investigation going on in the matter. The Court is also conscious of the law laid down by the Hon'ble Apex Court in various cases that 'the bail is rule and jail is exception' and same has also been referred by the counsels appearing for the accused by citing judgments, referred to above."*

35. Having considered the totality of the facts and circumstances of the case, the gravity of the circumstances of the case and so also the maximum sentence provided under the law for the alleged offence and the period for which each of the accused petitioner has already remained in custody, the observations of this Court as regards the documents



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seized during the search from the accused petitioners and more particularly the fact that certain co-accused persons namely; Karanpal Godara, Ekta, Manohar Lal, Surendra Kumar, Rohitashwa Kumar, Premasukhi, Abhishek Vishnoi, Rajeshwari and Neeraj Kumar, whose case is on similar footings to the accused petitioners namely; Vivek Bhambhu, Sharwan Kumar Vishnoi, Renu Kumari, Naresh Kumar, Ajay Vishnoi, Narngi Kumari, Dinesh Kumar, Surendra Kumar Bagadia, Dinesh Vishnoi, Malaram, Subhash Vishnoi, Priyanka Kumari, Rakesh, Smt. Manju Devi, Surjeet Singh Yadav, Gopiram Jangu, is on similar footings and therefore, they deserve to be enlarged on bail.

36. Accordingly, the bail applications of accused petitioners namely; **Vivek Bhambhu, Sharwan Kumar Vishnoi, Renu Kumari, Naresh Kumar, Ajay Vishnoi, Narngi Kumari, Dinesh Kumar, Surendra Kumar Bagadia, Dinesh Vishnoi, Malaram, Subhash Vishnoi, Priyanka Kumari, Rakesh, Smt. Manju Devi, Surjeet Singh Yadav and Gopiram Jangu**, are allowed and and it is ordered that the above-named accused petitioners in connection with FIR No. 0010/2024 dated 03.03.2024 registered at Police Station Special Police Station (SOG), District ATS & SOG, shall be released on bail provided each of



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them shall furnish a personal bond in the sum of Rs.1,00,000/- (Rs. One Lakh) with two sureties of Rs.50,000/- (Rs. Fifty Thousand) each to the satisfaction of the learned Trial Judge for their appearance before the Court concerned on all the dates of hearing and as and when called upon to do so.

37. The Registry is directed to place a copy of this order in other connected bail applications.

(Ganesh Ram Meena) J

Sharma NK/Dy. Registrar