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IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of Reserve: November 24, 2010

Date of Order: December 06, 2010

+ Bail Appln. No.1332/2010

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Abhijit Roy

06.12.2010

...Petitioner

Versus

State NCT of Delhi

...Respondent

Counsels:

Mr. Madan Bhatia, Sr. Adv. with Mr. Anup Kr. Sinha and Mr. AK Pandey for petitioner.
Mr. Sunil Kumar Sharma, APP for State/respondent.

JUSTICE SHIV NARAYAN DHINGRA

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporter or not?
3. Whether judgment should be reported in Digest?

JUDGMENT

1. The petitioner/accused has sought anticipatory bail in a case under Sections 419/420/469/120B of IPC.

2. The learned senior counsel for the accused/petitioner submits that section 419 and 469 were bailable and no ingredients of section 420 were made out, therefore, no custodial interrogation of the petitioner/accused could be sought by the police and the accused was entitled for anticipatory bail.

3. The brief facts relevant for the purpose of deciding this petition are that Mr. Pradeep Gupta, OSD to Finance Minister made a complaint to the police that it has come to his notice that signatures and official letterheads of Smt. Omita Paul, Adviser to Union Finance Minister had been forged and forged letters had been written to various

organizations by unknown person. On receipt of this complaint, an inquiry was conducted by police and statement of Mr. Andre Timmins, Director of Wizcraft International Entertainment Pvt. Ltd was recorded. The statement of Mr. Andre Timmins revealed that Mr. Chetan, an officer of the company posted at Delhi had received a phone call from a person posing himself as Mr. Bhattacharya and he introduced himself as a person known to Mr. Pranav Mukherjee. He recommended that one Shivam be given a job in the company with good remuneration. On this the company employed Mr. Shivam who was working with them till registration of the FIR. However, after about 7/8 months ago, another call was received from same person claiming to be Mr. Bhattacharya and he recommended that one Ms. Risha Sharma be assigned some role in the films. Thereafter, Risha Sharma was sent to this company. She had been sent to Mumbai office. However, Mumbai office advised her to come after about two months. After two months, another call was received from same person posing as Mr. Bhattacharya who instructed the company to arrange a two bed room flat, a car and other facilities in Mumbai for Ms. Risha Sharma. On 29th August 2009, a fax message with a fax letter from Ms. Omita Paul, Advisor to Finance Minister on her official letterhead with emblem of Govt. of India was received and in this letter it was mentioned that the letter was written on the advice of Hon'ble the Finance Minister and Mr. Andre Timmins should call Mr. Bhattacharya personally and apologize as his behaviour with Mr. Bhattacharya was not good.

4. The investigation of entire episode led to the accused and it was found that he was making phone calls in the name of "Mr. Bhattacharya" and on forged letters of Ms. Omita Paul, he corresponded with Wizcraft International Entertainment Pvt. Ltd and asked it to entertain Ms. Risha Sharma. Call details and the statement of witnesses revealed that the accused was user of the phone numbers issued in different names and addresses. The accused was sought to be traced but he had not been available. Delhi

police visited at his Kolkota address thrice but could not trace him. It is obvious that accused was absconding. The plea taken by the counsel for the petitioner that custodial interrogation of accused was not necessary is a baseless plea. It would be necessary for the police to find out as to how many more persons the accused had written such forged letters and sought favours either for himself or for his known persons by posing and impersonating himself as "Mr. Bhattacharya" or some other person close to Finance Minister and other ministers.

5. I consider that it is not a trivial matter and investigation in such like matters must be done thoroughly and the person is required to be interrogated by custodial interrogation. I find no force in this bail application. The application is hereby dismissed.

December 06, 2010
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SHIV NARAYAN DHINGRA, J