



2025:AHC:172555

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 26181 of 2024

David Mario Denis

.....Applicant(s)

Versus

Union of India

.....Opposite
Party(s)

Counsel for Applicant(s) : Dileep Kumar(Senior Adv.), Osama Qamar Siddiqui, Qamrul Hasan Siddiqui, Rajrshi Gupta, Sunil Singh
Counsel for Opposite Party(s) : Jitendra Prasad Mishra, Pawan Kumar Srivastava, Sushant

Reserved on 30.07.2025
Delivered on 24.09.2025

Court No. - 64

HON'BLE SAMIT GOPAL, J.

1. List revised.

2. Heard Sri Rajrshi Gupta and Sri Prince Lenin, learned counsels for the applicant, Sri Gyan Prakash, learned Senior Advocate assisted by Sri Sushant Chandra, learned counsel for the Opposite Party/Enforcement Directorate and perused the records.

3. This bail application under Section 439 of Code of Criminal Procedure has been filed by the applicant-David Mario Denis, seeking enlargement on bail during trial in connection with ECIR No.39/2023/LKZO, U/S 3/4 Prevention of Money Laundering Act, P.S. Zonal Office, E.D., Lucknow (PMLA).

4. This matter along with its connected matters have been nominated to this Bench vide order dated 23.07.2025 of Hon'ble The Chief Justice.

5. The connected bail of co-accused Rahul Parashar has been expedited by Hon'ble The Apex Court vide order dated 04.07.2025 passed in Special Leave Petition (Crl.) Diary No.33259 of 2025 (Rahul Parashar Vs. Union of India) with the request to the High Court to dispose it of within a period of three months from the date of receipt of a copy of the order.

6. The facts of the case are that the police of State of Uttar Pradesh lodged three FIR's bearing numbers 414 of 2022 dated 27.8.2022, 434 of 2022 dated 6.9.2022 and 481 of 2022 dated 27.9.2022 under Sections 420, 467, 471 and 120-B IPC, Police Station Hariparvat, Agra alleging therein that on the oral directions of the then Vice Chancellor of Dr. Bheemrao Ambedkar University,

Agra to check the procedure of sending copies from the center to agency which was examined in St. John's College, Agra it came to light that one Devender Singh, the driver of tempo no.U.P.80-BT-8736 has been carrying the answer-sheets of the students. The complainant followed the vehicle and noticed some abnormalities in the process of carrying copies of BAMS students from St. John's College, Agra to Digitext Agency. It was further alleged that the tempo carrying the copies of students instead of going to Digitext Agency, got diverted to some other place. The tempo was following a car being numbered as U.P.85 BY 0074. Subsequently, FIR No.434 dated 6.9.2022 and 481 dated 27.9.2022 were registered in continuation of earlier FIR no.414 dated 27.8.2022. It was alleged that after thorough inspection of the BAMS examination copies of R.B Ayurveda Medical College, Agra of the year 2020 and 2021 writings in the copies of 14 students were found different from originals. It was further alleged that after thorough inspection of the copies of the year 2016, 2018 and 2020 of MBBS of FH Medical College, Tundla, writings in the copies of 26 students were found different from original. Agra police SIT discovered 14 changed hand written answer-sheets which were different from the originals. Forged bar codes were impressed on these answer-sheets and thus conspirators availed wrongful gains to themselves. The disputed answer-sheets and booklets were seized from agency Digitext Technologies Pvt. Ltd. and were sent to Forensic Lab, Moradabad, U.P. Later on charge-sheet no.1 dated 22.11.2022 and 2 dated 12.12.2022 were filed in FIR Nos.414, 434, 482 respectively in which Umesh, Bhikam Singh and 8 other persons and staff and other Registrar were made as accused. During investigation of CDRs and accounts statement of the accused persons, it was found that accused persons were in regular contact with each other and there were financial transactions between them. ECIR/LKZO/39/23 dated 2.6.2023 was registered against Devendra Singh and others under Section 3 of PMLA 2002. During investigation it was found that illegal gains have been obtained by the accused persons including employees of Digitext Agency which was hired by Dr. Bheemrao Ambedkar University, Agra, U.P., other persons and even students. Search under Section 17 of PMLA, 2002 was conducted at various locations on 12.7.2023 and 2.8.2023. Total 17 premises including residence of applicant, David Mario Denis, his office and residence of employees were searched.

7. Learned counsel for the applicant argued that the applicant has been falsely implicated in the present case. It is argued that the applicant is the Director of Digitext Agency. It is further argued that the applicant has been made an accused on the basis of confession of co-accused Deepak Singh. It is further argued that there has been no monitory dealing by the applicant and there is no credible evidence to the effect that the applicant was involved in money laundering. It is further argued that the conclusion as drawn in the complaint that the applicant is a Director and responsible to monitor every work and

activity of the agency is someone else's presumption and there is no credible evidence to the same. It is further argued that the applicant is in jail since 21.7.2023 and the trial in the matter is yet to start. Learned counsel for the applicant has further relied upon the judgement of the Apex Court in the case of **Prem Prakash Vs. Union of India through the Directorate of Enforcement : 2024 INSC 637** and has relied upon para nos.16, 19 and 37 to 45 of the same. It is further argued that the applicant is aged about 57 years and suffering from various diseases, para 28 of the affidavit in support of bail application has been placed before the Court.

8. Per contra learned counsel for the Enforcement Directorate vehemently opposed the prayer for bail and argued that the applicant is the Director of Digitext India Pvt. Ltd. which was a firm entrusted with the work of all the post and pre-examination of the University. It is further submitted that the applicant was monitoring the work of the agency and the same was being done under his direct supervision. It is further submitted that during investigation it has transpired that every work was being done under the directions and supervision of the applicant and thus he was closely associated with it. While placing para 15 of the counter affidavit dated 2.8.2024, learned counsel for the Enforcement Directorate submitted that the applicant used to do the review of all the work of the agency and was well aware of the malpractices related to answer copy swapping/increasing marks etc. Database of students was under the direct control of the applicant. Officers of the agency had provided the bar-code numbers to the gang members who in turn printed the same on forged answer booklets which were duplicate bar codes. The said forged answer sheets were used for exchanging with the original answer sheets of the MBBS and BAMS students. It is further submitted that during search incriminating material was found which shows proceeds of crime with the applicant. During search from the residence of the applicant several blank OMR sheets were found which were pre-signed by the examination controller of the University. The said records were prepared under the supervision and knowledge of the applicant who was in regular touch with the centre in-charge. It is further submitted that a diary was recovered from the premises of Deepak Singh in which transaction between the applicant and Rahul Parashar was mentioned. No satisfactory reply was given by Deepak Singh regarding it and he was having a very evasive approach. It is further submitted that the present matter is such in which a whole gang was operating and in collusion they had exchanged answer-sheets and had also scanned forged bar codes on duplicate answer-sheets for monetary benefits and there was money transaction for the same. It is further submitted that the twin conditions of Section 45 of the Act prohibit grant of bail to the applicant. The bail application of the applicant be thus rejected.

9. After hearing the counsel for the parties and perusing the record, it is evident

that the applicant is the Director of the Agency entrusted with post and pre procedures for examination. The inspection has revealed that answer-sheets were changed, swapped, forged bar codes were printed on different answer-sheets and they were replaced in-lieu of the original answer-sheets. The handwriting were found to be different in the answer-sheets. The search found money transactions for the same. The entire pre and post examination process was to be handled by the Company of the applicant. There has been large scale bungling in the same which was found during investigation. The pious system of examination has been hijacked by the applicant and his team in a planned manner for monetary benefits. The end sufferer in the matter are meritorious students who rely on their hard work but fail to understand why they do not get the expected result out of it.

10. Looking to the facts and circumstances of the case, I do not find it a fit case for bail, hence, the bail application is **rejected**.

(Samit Gopal,J.)

September 24, 2025
Gaurav Kuls