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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ BAIL APPLN. 1181/2016

AMIT KUMAR

..... Petitioner

Through: Mr. R.K. Bachchan, Advocate.

versus

STATE OF NCT OF DELHI

..... Respondent

Through: Mr. Rajat Katyal, APP along with SI Surendar Singh, PS- Bindapur, for the State.

CORAM:
HON'BLE MR. JUSTICE VIPIN SANGHI

O R D E R

% **24.08.2016**

1. The status report has been filed on behalf of the State.

2. I have heard learned counsel for the petitioner, as well as the learned APP.

3. The petitioner has preferred this application under Section 438 Cr.P.C. to seek anticipatory bail apprehending arrest in case FIR No.1160/2015 under Section 420/ 468/ 471/ 120B IPC registered at Police Station – Bindapur.

4. The said FIR has been registered on the complaint of one Mohan Singh, resident of District Almora, Uttrakhand. The complainant, with a view to get a job for his son Amar Singh Bisht in the Railways, had

contacted one Govind Singh Bora. Govind Singh Bora, in turn, introduced the complainant to Sanjay Kumar. The complainant was told to pay Rs.5 Lakhs to Sanjay Kumar for arranging the job for his son in the Railways. On the assurance of getting job for his son, the complainant paid Rs.5 Lakhs to Sanjay Kumar in instalments. The said Sanjay Kumar called the son of the complainant to Bihar and gave him fake employment letter/ documents. Since the job was not provided, the FIR came to be registered.

5. During the course of investigation, the police has recorded statement of the complainant's son. He has disclosed that he and other victims reached Sonpur, Bihar. At that place, the petitioner/ accused Amit Kumar had given him the forged documents, i.e. joining letter, ID Card, offer letter, Pay-in slip and transfer letter of East Central Railway of Government of India. He further stated that they were called for training for a period of 5-6 months and a stipend was given to them.

6. On 21.05.2014, the petitioner Amit Kumar gave the candidates, including the complainant's son transfer letters for their posting in Rudrapur, Uttrakhand. When the victims reported at the Rudrapur Railway Station, they came to know that all their letters were fake and they were never appointed by the Railways. The victims and Sanjay Kumar searched for the petitioner at his residence, but he has been absconding.

7. The status report discloses that the monies received by Sanjay Kumar were all transferred to the other accused, including the petitioner. In fact, Sanjay Kumar has also given a complaint against the petitioner and his associates, making similar allegations. The status report further states that

during investigation, it is revealed that there are several other victims.

8. At this stage, the learned APP states, on instructions, that there are 25 known victims as of date, and that there may be more.

9. From the statements of the victims, it was found that the accused/ petitioner Amit Kumar, with his associates, prepared forged documents of East Central Railway Sonpur, Hajipur, Danapur, etc Division of Bihar and cheated the complainant's son and other candidates belonging to Uttarakhand on the pretext of getting them jobs in Indian Railways.

10. Sanjay Kumar, during investigation, has disclosed that the amounts received from the victims/ candidates were transferred to different persons, i.e. Smt. Kanti Devi, mother of the petitioner Amit Kumar with Punjab National Bank; Vipin Kumar and Kunal Singh on different dates. Bank account numbers of these persons have also been mentioned in the report. Investigation has also revealed that the petitioner along with his associates, namely, Vipin Kumar, Kunal Singh and Mukesh Rai used to call people to Bihar and gave them forged documents, i.e. joining letter, ID card, offer letter, pay-in slip and transfer letters allegedly issued by the respective Railways, Government of India, and even used to give them fake training. He used to operate the PNB account of his mother, wherein approximately Rs.40-50 Lakhs was transferred from the account of Sanjay Kumar and the petitioner is stated to have withdrawn the said amount. A Safari vehicle was seized from the home of the petitioner, as he had absconded from his address village Rahar Diyara, Sonpur, Distt. Saran (Bihar). This vehicle also appears to have been purchased from the allegedly cheated amount.

11. The status report discloses that the co-accused Vipin Kumar was arrested from his residence in Bihar on 12.09.2015, to whom an amount of approximately Rs.10 Lakhs was transferred from the account of Sanjay Kumar. According to the status report, the petitioner is the main accused and the mastermind. He is also holding the original documents of the victims. The other accused, namely Mukesh Rai & Kunal Singh are also evading arrest.

12. The anticipatory bail application of the petitioner was dismissed on 29.10.2015. Despite that, he did not surrender or join the investigation. He came to this Court only in the end of May 2015 by moving the present application.

13. The submission of learned counsel for the petitioner is that petitioner is entitled to parity. He submits that Sanjay Kumar has not been arrested and the co-accused Vipin Kumar has been granted bail by the learned MM on 23.09.2015. Copy of that order has been placed on record and referred to by learned counsel for the petitioner.

14. A perusal of the status report shows that the role of Sanjay Kumar, who was not arrested - but was otherwise interrogated, appears to be materially different from that of the petitioner. In fact, the said Sanjay Kumar has himself made a complaint against the petitioner. The petitioner appears to be the person who is the major beneficiary of the amounts received from the gullible applicants/ victims. It is he, who allegedly prepared forged and fabricated documents and delivered the same to the victims and, it is he, who is holding the original documents of the victims.

The petitioner gave the fake training to the victims of the fraud. The case of the petitioner and Sanjay Kumar do not appear to be on the same footing. So far as Vipin Kumar is concerned, he was taken into custody, interrogated, and then bailed out. He was not granted anticipatory bail as sought by the petitioner.

15. Mr. Katyal has submitted that to unearth the entire conspiracy and the modus operandi adopted by the petitioner and the other co-accused, it is necessary to take the petitioner into custody and interrogate him. It is also necessary to recover the equipment used for committing forgery of documents, claimed as originating from the several Railway divisions of Government of India.

16. In view of the aforesaid circumstances, considering the fact that the case involves multiple victims, and forgery allegedly in respect of documents attributed to the Government, and the fact that monies have been paid by the victims through banking channel, which have transferred into the accounts of the petitioner's mother – which he has withdrawn, in my view, the petitioner is not entitled to any relief in this application. The same is dismissed.

17. The petitioner is directed to surrender forthwith before the concerned Court.

VIPIN SANGHI, J

AUGUST 24, 2016
B.S. Rohella