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

+ **BAIL APPLN. 1786/2017**

DINKAR DUBEY

..... Petitioner

Through: Mr. Anilenra Pandey and Mr. Pramod
Upadhyay, Advocates.

Versus

STATE OF NCT OF DELHI

..... Respondent

Through: Mr. Tarang Srivastava, Addl. Public
Prosecutor for the State with
SI Bijender Singh, P.S. Okhla
Industrial Area.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

% **27.11.2017**

The petitioner seeks the anticipatory bail in relation to FIR No. 592/16 dated 24.10.2016 registered at Police Station Okhla Industrial Area, New Delhi, for the offences punishable under sections 420, 468 & 471 IPC.

The police has filed the Status Report which reads as under:-

“ It is submitted that complainant Sh. Rahul Khanna, AGM- MR & Legal of Independent News Services Pvt. Ltd. # B- 39, Okhla Industrial Area, New Delhi made a complaint at Police Station-Okhla Indl. Area, New Delhi vide DD No. 31B dt. 30.08.16 alleging therein that on 17th August 2016, Mr. Sanjeev Kohli, who is a resident of Jalandhar (Mobile No 9256798100) contacted and informed them that one accused person namely Dinkar Dubey, who was neither an employee of the complainant company nor has anything to do with the

complainant company, makes/creates fake Press Identity Cards of India T.V. (Complainant Company) and sells the same to individuals who are not the employees of the Complainant Company nor authorized by the complainant company. It is further stated that on receiving such information, the Complainant Company through its internal investigation had come across four such fake Identity Cards one of which belongs to the accused person Dinkar Dubey himself and the other three fake/fabricated Press Identity Cards pertain to various individuals including one of the informer Sanjeev Kohli, who informed India TV regarding the fabrication and circulation of these Press Identity Cards by the accused Mr. Dinkar Dubey. It is further after receiving of Rs. 1,000/- for each fake/fabricated Press Identity Cards. The complainant further alleged that a Press Identity Card of India TV can only be issued by the Complainant Company to its employees or persons authorized by the company. The fake/forged identity card of India T.V issued by Dinkar Dubey has the photograph, mobile number, fake RNI number. Card number etc. of accused Dinkar Dubey. The complainant further alleged that the accused Dinkar Dubey has created a fake account on social media i.e. Whatsapp, wherein the name of the group is titled as India T.V. News Channel and the display picture of the account is his fake fake/forged Press Identity Card of India T.V. (Complainant Company). The complainant further alleged that the act of accused clearly showed the malafide/criminal intention of the accused person for creating such group wherein he is advertising sale of fake identity cards. The complainant further alleged that the above mentioned identity card is created illegally by forgery and only the complainant company is authorized to issue such Press Identity Card to its employees and they are recognized by these cards. It is mandatory for every Employee to carry these cards with them for various purposes like entry into the office of the company and use as media access to places for covering functions/programs and to collect news, such card also holds the employee's Name, Designation, ID Number, Photo, office Address, Card Number etc. which is separately provided to

each employee. The complainant further alleged that the accused had two bank accounts one of which is with HDFC Bank and the other with Bank of Baroda. The accused asks the individuals who require such fake Identity Cards to transfer money into the bank account for the same. The details of the Bank account of Accused person is mentioned below: Name: Dinkar Dubey, Mobile Number- 7503425646 HDFC bank AC- 50100170094223 Bank of Baroda AC- 44890100004116. The complainant further alleged that Mr. Sanjeev Kohli informed them that one Dinkar Dubey is giving away India TV's ID cards for Rs 1,000/- to persons who are neither employees of the company nor authorized by the company. The complainant further alleged that it is a serious issue wherein Complainant Company is vulnerable to security threats. The complainant further alleged that the cards are obviously being forged, manufactured and sold to meet illegal designs of criminal minded people who can use the cards for unlawful access to places because the fake cards apparently resembled the same as the original Press Identity Card, it clearly shows that the accused person intends to cheat and harm the interests of the complainant company and harm the reputation of the complainant company by possessing such instrument, knowing the same to be a counterfeit. The complainant Mr. Rahul Khanna stated that in view of above the facts, the complainant company was cheated by the accused Dinkar Dubey.

On receipt of the above complaint an enquiry was conducted and after enquiry, a case vide FIR No. 592/16 dt. 24.10.16 u/s-420/468/471 IPG was registered and investigation of the case was taken up.

During course of investigation the complainant produced certified copies of two emails dt. 17.08.16 and 26.08.16 along with copies of attachment of whatsapp images sent by Mr. Sanjeev Kohli(screenshots), photocopies of 6 fake ID cards including one of the accused Dinkar Dubey, which were taken into police possession and placed on file.

During course of investigation, details of bank A/C No. 44890100004116 of Bank of Baroda was obtained and it revealed that the aforesaid bank account was opened by accused Dinkar Dubey S/o Ramyagya Dubey R/o Village-Tiwaripur, Post-Chandaur, Distt. Sultanpur (UP) and entries of cash deposit as alleged by the complainant and witnesses are reflected. The details of bank A/C No. 501001770094223 of HDFC was also obtained the entries of cash deposit are reflected in the statement as alleged by the witnesses

During course of investigation Mr. Sanjeev Kohli S/o Sh. Omprakash Kohli R/o H. No. 18, street No. 25, Jalndhar Cant, Punjab was examined and his statement u/s- 161 CrPC was recorded, who stated that he came in contact with Dinkar Dubey through his friend Gurbaksh. He further stated that Mr. Dinkar Dubey represented himself as a press reporter of India TV and asked him (Gurbaksh) that there are 4-5 vacancies of press reporter in India TV and if someone wants to be a member of big media house then he can assist them. He further stated that Mr. Dinkar Dubey provided them Identity cards of India TV and charged Rs.1000/- for each cards.

During course of investigation search of accused Dinkar Dubey was made but he was absconding from his all available addresses. Since the accused was not joining the investigation, NBW against the accused Dinkar Dubey was obtained and sincere efforts were made to trace the accused but all in vain. Subsequently proclamation u/s- 82 CrPC was got issued and same was done as per procedure. However, the accused Dinkar Dubey failed to join the investigation. **On 25.09.17, accused Dinkar Dubey was declared a proclaimed offender by the Hon'ble Court of Sh. Anubhav Jain Ld. MM, Saket Courts, New Delhi.**

The bail is opposed on the following grounds

1. Custodial interrogation of the accused is required to unearth the conspiracy behind the commission of the

offence.

- 2. Co-accused Akhilesh Yadav, who is also involved in the present case is still untraceable and is yet to be arrested.*
- 3. Instruments used in preparation/creation of Fake ID cards, are to be recovered from the possession of the accused.*
- 4. There are some independent witnesses, if accused is released on bail there is every possibility that he can temper with the evidences and influence the witnesses of the case.*
- 5. The investigation of the case is still in progress.*
- 6. He deliberately evaded his arrest.*
- 7. He is declared a proclaimed offender by the Hon'ble Court. Proceedings u/s- 82 GrPC were completed.*
- 8. He is not a permanent resident.*
- 9. If granted bail, he will most likely never face trial.*

In the above facts and circumstances, it is requested that as the custodial interrogation is essential in the present case therefore anticipatory bail application of accused/applicant may not be accepted in the interest of justice. However, the undersigned undertakes to abide by any direction(s), which this Hon'ble Court may be pleased to pass.”

In view of the nature of allegations against the petitioner, his alleged involvement in the preparation of fake identity cards for entry into the premises of a television channel headquarters and his further involvement, as may be, in dubious activities as well as the issuance of Non-bailable warrants against the petitioner and him being declared a proclaimed offender, no case is made out for grant of anticipatory bail.

The application is dismissed.

NAJMI WAZIRI, J.

NOVEMBER 27, 2017

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