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

+ **BAIL APPLN. 719/2020 & CRL.M.A. 6931/2020**

RANJITH K.K

..... Applicant

Through: Mr. Akash Vajpai, Advocate.
versus

STATE

..... Respondent

Through: Ms. Kusum Dhalla, Advocate.
(M:9871391901)

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

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04.06.2020

1. This hearing has been held through video conferencing.
2. The Applicant in the present case seeks regular bail on the ground that he was only 24 years of age at the time of arrest, and that the only charge framed against him is under Section 3 of the Official Secrets Act, 1923 for which the maximum punishment is 14 years. Ld. counsel for the Applicant submits that he has already undergone 4 ½ years of imprisonment and since he has an old mother in Kerala, he would like to visit her. He submits that any conditions that the Court deems appropriate may also be imposed. The contention of the Applicant's counsel is that the map, which was passed on, was only a Google map and was a public document.
3. Ms. Kusum Dhalla, ld. APP has filed the status report and relies upon the various documents and electronic evidence retrieved from the Applicant to submit that there is a serious threat that he could tamper with the evidence. She accordingly opposes the bail in this matter.
4. A perusal of the facts shows that the Applicant had joined the Indian

Air Force as a Leading Aircraftsman at the age of 21. He was stated to have been posted in July, 2011 and also took part in the Republic Day Parade in 2012. However, it is his case that he received a friend request from a female friend who posed as a journalist working for a magazine dealing with defence related publications. Accordingly, he was in touch with her and was not aware that he was passing on details which would affect the security and integrity of the country.

5. According to the FIR, and the order by which charges have been framed dated 4th February, 2020, the Applicant is accused of having passed on sensitive data to persons who were intending to threaten the sovereignty and integrity of the country. The status report, which has been filed by the prosecution shows that various documents have been recovered including WhatsApp messages, chat history, forwarding of a map of the Air Force base etc. The status report also records that the CDR (call data record) of the mobile phone of the Applicant was obtained and the person which whom the Applicant claimed to be in touch was a lady who was known as McNaught Damini but investigation revealed that it was one Lateef Dar, in Jammu and Kashmir. These facts would have to be thus ascertained in trial which is yet to conclude.

6. The Court has perused the status report, and is of the opinion that the Applicant ought not to be granted bail at this stage, as trial is still underway. Looking at the nature of allegations and the contents of the status report as also the fact that he has been charged with offences under Section 3 of the Official Secrets Act, there is a larger public interest in not granting bail. Being an Air Force Officer, that too of a young age, he was conscious of his responsibilities. The Applicant admits that he may have to travel to Kerala

to visit his mother and thus his presence may not be capable of being secured at trial. The nature of the map stated to have been passed on, would have to be looked into the time of trial, and not at this stage. The entire evidence on record is being currently examined by the Trial Court. The ld. APP submits that the remaining part of the trial may commence in July, and an endeavour would be made to conclude the trial at the earliest. In ***State Vs. Jaspal Singh Gill 1984 (3) SCC 555***, the Supreme Court observed that in cases where the accused has been charged under Section 3 of the Official Secrets Act, depending upon the nature of the evidence, the larger interests of the public or the State and other similar considerations would be relevant while considering an application for grant of Bail.

7. Under these circumstances, this Court is of the opinion that no case for bail is made out. Accordingly, the present Bail Application is dismissed and all pending applications are disposed of. Any observations herein shall not affect the merits of the Applicant's case.

PRATHIBA M. SINGH, J.

JUNE 04, 2020

dj/rg