

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

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Reserved on : 08.11.2021

Pronounced on : 16.12.2021

+ **BAIL APPLN. 2854/2021**

DEVENDER KUMAR MISHRA

..... Petitioner

Through: Mr. Maninder Singh, Sr. Advocate
with Mr. Dinhar Takiar, Mr.
Vikram Kalra and Mr. Harsh
Vashisht, Advocates.

versus

STATE

.... Respondent

Through: Mr. Raghuvinder Varma, APP for the
State with SI Ajay Kumar, Cyber
Cell Crime Branch.

CORAM:
HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

RAJNISH BHATNAGAR, J.

1. The present bail application has been filed by the petitioner under Section 439 Cr.P.C. read with Section 482 Cr.P.C. seeking regular bail in case FIR No. 7/2021 under Sections

419/420/170/467/468/471/474 IPC registered at Police Station Crime branch.

2. Briefly stated, the facts of the case are that the present case was registered on the complaint of Dr. Praveen Kumar Reddy who alleged in his complaint that on 04-10-2020, he received a call from one Mr. Devender Mishra (petitioner herein) from Mobile No 7836045157 as identified by him and he also introduced himself as Doctor, with MD Pediatrician and DM Cardiology and he also told that he is a visiting faculty in AIIMS Cardiology and visiting faculty in the Army Hospital and also an advisor in Niti Ayog.

3. After introducing himself, he requested the complainant for a meeting at 422, R&R Hospital Officers mess, Delhi Cant. After a while, on 10-10-2020 around 16.30 hrs when the complainant met him at the said address, he found the name plate in front of guest's room as 'Dr Devender Niti Ayog'. In the introduction, the petitioner/accused told the complainant that, he had contacts with all the senior officers of Army Medical Corps and senior bureaucrats of Defence Ministry and Raksha Mantri himself. He further said that he meets the minister on daily basis. He also told the complainant that in case anything is required in terms of promotion and posting, he can get it done after due consideration and deliberation. The complainant felt unusual with his

behavior and got suspicions of his medical degrees and contacts, as he did not mention before meeting

4. The petitioner/accused also showed the complainant many photographs in his mobile phone with senior dignitaries of various organizations, senior bureaucrats, army officials etc. He was carrying another mobile No. "6261202272" and said it to be of Bhaiya Ji Joshi and said he has been in direct touch with Sh. Bhaiya Ji Joshi on daily basis. As per allegations the complainant felt that he was impersonating as a well connected senior doctor and was sure that he was using names of senior bureaucrat, political leaders and senior high profile social organization leader to cheat innocent people by corrupt means.

5. As per the Status Report, enquiry was conducted into the complaint and during the course of enquiry, CDRs of suspected Mobile No.7836045157 Vodafone/Idea and other relevant Mobile No.8839360090 JIO & 6261202272 JIO were collected and scrutinized. Mobile No.7836045157 Idea was found to be registered in the name of Dharmendra Tiwari S/o Sh. Sudarshan Tiwari R/o D-174, Gali No 5, Raj Nagar-II, Palam Colony, Near Mamta Bakery, New Delhi & Pipri School, Deotalab, Rewa, Madhya Pradesh whereas Mobile No.6261202272 JIO and Mobile No.8839360090 JIO were found registered in the name of Devendra Kumar Mishra S/o Sh. Ram

Lal Mishra R/o Ward No.43, behind Chirahula Hanuman Mandir, Gopal Nagar, Huzur, Rewa Madhya Pradesh.

6. On 05.01.2021, secret information about the movements of the suspected person namely Devender Kumar Mishra (petitioner herein) in the locality of Panchkuiyan Road, Delhi was received in Cyber Cell, Crime Branch, Delhi vide DD No.06 dated 05-01 2021. Accordingly team comprising of Insp. Rajeev Kumar, Insp. Sandeep Malhotra and Ci Dinesh Kumar No.1407/Crime was constituted and at about 2-30 PM, a trap was laid near R. K. Ashram Metro Station Delhi. On 05.01 2021 at about 3:40 PM, petitioner Devender Kumar Mishra S/o Sh. Ram Lal Mishra was apprehended near Delhi Heart & Lungs institute, Udaseen Ashram Delhi on the basis of photographs available on CAFs of Mobile No 8839360090 JIO & 6261202272 JIO. For sustained interrogation, petitioner Devender Kumar Mishra along with his shoulder bag was taken to Cyber Cell Office, Kotwali Darya Ganj, Delhi where during the course of inquiry, he introduced himself as Devendra Kumar Mishra S/o Sh. Ram Lal Mishra R/o Ward No.43, behind Chirahula Hanuman Mandir, Gopal Nagar, Rewa M.P., age 44 years.

7. On the basis of the complaint of Dr. Praveen Kumar Reddy and enquiry conducted, case was got registered by Insp. Rajeev Kumar through Ct. Rajat and after registration of the case, investigation was

handed over to SI Ajay Kumar. As per the status report, during the formal search of the petitioner various identity cards of different organization namely Ministry of Health & Family Welfare, Govt. of India, All India Institute of Medical Sciences, SS Medical College, Sanjay Gandhi Memorial Hospital, REWA (M.P.) in the name of petitioner and multi visitor card MV0150, Army Hospital, Research and Referral were recovered which were taken into possession through seizure memo. Various mobile handsets and one pen drive were also seized from the possession of petitioner which were taken into possession through seizure memo. Further during the course of investigation the petitioner was found in possession of several forged identity cards and medical certificates/degrees which were being used by the petitioner as genuine. It is alleged against the petitioner that he got created several forged govt. official's identity cards and medical certificates/degrees using his photograph to influence the people for the purpose of cheating on pretext of transfer/posting and providing them jobs. He also introduced himself as member of NITI Aayog and MD Pediatrician for the purpose of cheating and also posed himself as Joint Secretary in Ministry of Health and family Welfare, Nirman Bhawan, Delhi.

8. I have heard the Ld. Sr. counsel for the petitioner, Ld. APP for the State, perused the Status Report and also perused the records of this case.

9. It is submitted by the Ld. Sr. counsel for the petitioner that according to the complainant the petitioner had met him on 10.10.2020 and he felt that the petitioner is impersonating as a well connected Sr. Doctor and using senior bureaucrats name in order to cheat innocent people by corrupt means but the complaint was lodged after a delay of two and a half months without any reason for the delay.

10. It is further submitted by the Ld. Sr. counsel for the petitioner that the charge sheet has already been filed and as per the charge sheet, the petitioner has created several Government Official's ID cards and medical certificates/degrees to influence people for the purpose of cheating on the pretext of transfer posting and providing them job and impersonating as highly placed official in various ministries but the prosecution has failed to produce any person who allegedly has been cheated by the petitioner.

11. It is further submitted by the Ld. Sr. counsel for the petitioner that the petitioner is in J.C. since 06.01.2021. He further submitted that it is not even the case of the complainant that he was cheated by the petitioner at any point of time. The complaint has been lodged only on the premise that since the petitioner has been impersonating himself as a Sr. official/doctor, so he might cheat some public persons by committing fraud and the petitioner has only been apprehended on the basis of apprehension that he might commit some crime in future.

12. It is further submitted by the Ld. Sr. counsel for the petitioner that from the time of receiving the complaint i.e. on 16.12.2020 till the apprehension of the petitioner on 05.01.2021 no offence of forgery, misrepresentation or cheating was complained of against the petitioner. It is further submitted by him that there is non compliance of section 41 A of Cr.P.C.

13. It is further submitted by the Ld Sr. counsel for the petitioner that the recovery of alleged forged identity cards is in doubt as the same are shown to be recovered before the registration of the FIR and arrest of the petitioner. He further submitted that the entire evidence is documentary in nature so there is no chances of any tampering or influencing the witnesses as majority of the witnesses are highly placed Government employees. He further submitted that the petitioner has roots in the society and has clean past antecedents.

14. On the other hand, Ld. APP for the State has argued on the lines of the Status Report. He further submitted that the allegations against the petitioner are grave and serious in nature and various incriminating documents have been recovered from him which he was preparing for the purposes of cheating. It is further submitted by the Ld. APP that the petitioner on the basis of forged medical certificates/degrees was found running a medical clinic by the name of “Shraddha Clinic” in Lakhimpur, Khiri, UP posing himself as M.D., Pediatrics. It is further

submitted by the Ld. APP that the petitioner has got created several forged Government official's ID cards and medical certificates using his photographs to influence the people for the purposes of cheating.

15. In the instant case, the petitioner is in J.C. since 06.01.2021. The charge sheet in the present case has already been filed. Mainly, the allegations against the petitioner are that he prepared forged and fabricated ID cards pertaining to Government officials and medical certificates/degrees with the intention to cheat public persons but neither any public person nor any official has come forward to say that the petitioner by using the alleged forged and fabricated documents has cheated him and only on the apprehension of the complainant that the petitioner might cheat innocent persons, the complaint was lodged which resulted in the registration of the present FIR.

16. In the instant case, all the evidence is documentary in nature which has been seized and filed in the court alongwith the charge sheet, so there are no chances of tampering with the evidence. As per the prosecution, the petitioner has clean past antecedents. Therefore, in these circumstances, no useful purpose would be served by keeping the petitioner in J.C. The bail application is, therefore, allowed and the petitioner is admitted to bail on his furnishing a personal bond in the sum of Rs. 50,000/- with one surety of the like amount subject to the

satisfaction of the concerned Trial Court. The bail application is disposed of accordingly.

17. Nothing stated hereinabove shall tantamount to the expression of any opinion on the merits of this case.

RAJNISH BHATNAGAR, J

DECEMBER 16, 2021

Sumant

