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

+ **BAIL APPLN. 1467/2023**

SAVITA TOKAS

..... Petitioner

Through: Mr. Manoj Gorkela, Mr. Amar Nath Saini, Mr. Dheeraj Sharma, Mr. Karan Gupta, Mr. Saurav Singh, Mr. Varun Kumar, Ms. Richa Jaiswal, Advs.

Versus

STATE (NCT) OF DELHI

..... Respondent

Through: Mr. Raghuvinder Verma, APP for the state with SI Inder Veer Singh, PS Crime Branch.

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Date of Decision: 4th May, 2023

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

CRL.M.A. 11894/2023 (exemption)

Exemption is allowed subject to all just exceptions.

BAIL APPLN. 1467/2023

1. The present petition has been filed under Section 438 of the Cr. PC seeking anticipatory bail in case FIR No. 66/2023 registered at PS Crime Branch, Delhi, under Sections 419/420/468/471/ 120B IPC.

2. Briefly stated facts of the case are that, the FIR was lodged on the statement of Karan Kasotia wherein it was alleged that co accused Ashish Choudhary had offered a government job to the complainant through his grand parents and demanded a sum of Rs. 3.5 lacs. Ashish Choudhary had represented himself as Sub-Inspector and also came in the police uniform. After some time, Amit Kumar also joined and represented himself as senior of Ashish Choudhary. The complainant was asked to fill up the form and give the qualifications documents and address proof alongwith two photographs. The complainant alleged that his grandfather gave Rs. 1 lac cash to the accused. There was continuous communication between the complainant and the accused Ashish Choudhary regarding the job and Ashish Choudhary continued to take money from the complainant's grandfather. There was also exchange of mails. In May, 2021 allegedly, Ashish Choudhary further took Rs.50,000/- and handed over him an appointment letter issued by Department of Criminal Intelligence (DCI), Man Singh Road, New Delhi, Govt. of India. Vide this appointment letter, the complainant was purportedly appointed for the post of Constable- Batch No. 9042-20/Trg. (Group-C), Non-Gazetted Non-Ministerial in the Department, Uttam Nagar, Criminal Intelligence (DCI) Cadre of Ministry of Home Affairs in the pay scale of Band-1 (Rs. 5200-20200).
3. The complainant was also given a call letter. On the basis of call letter the complainant reported and thereafter the complainant also met with Amit Kumar and Dharmender who issued the Shoes,

Shocks and Mask etc. and the original documents were also returned to the complainant. The complainant alleged that the purported training started from 11.05.2022 and Amit Kumar used to teach them. It was also alleged that many other boys also joined the training. It was also alleged that a lady used to come there who was introduced as Ms.Ankita and she was represented as Additional S. P. Madam. It was stated that further Rs. 1 lac was given to Ashish Choudhary. It was alleged that Ashish Choudhary, Amit Kumar and Ankita had cheated his grandfather in the name of government job and took Rs.5.5 lacs and the complainant was made to undergo a fake training and was issued fake documents.

4. Learned counsel for the petitioner states that in fact there is no role of the petitioner and the allegations are only against the Ashish Choudhary. It has been stated that now the Police wants to conduct custodial interrogation only because there is a transaction of Rs.11 lacs between Ankita and Ashish Choudhary. It has further been stated that Ankita had a bad married life and she also remained in the litigation for around 8 years and also had a daughter from the previous marriage. Thereafter she married Ashish Choudhary and it was merely a transaction between husband and wife and the petitioner was ready to join the investigation.
5. Learned APP for the State vehemently opposed the application and has filed the detailed status report. The status report indicates the investigation conducted so far.

6. Learned APP submits that the petitioner has been found directly involved in the present case with co accused persons and used to give training to victims after posing herself as ASP/SP in the abovementioned fake department running in the name of fake Ministry of Home Affairs. It has further been stated that fake documents in the name of Ministry of Home Affairs were recovered from abovementioned fake department at their instance of co accused Ashish Choudhary and Amit Kumar from the alleged premises and house of accused persons.
7. Learned APP submits that petitioner and the Ashish Choudhary were living together in the same flat in Woodshire Apartment, Gurugram. The NBWs have already been issued against the petitioner and she is required for the custodial interrogation. Learned APP also submits that fake documents are also required to be affected. Learned APP has also shown the alleged fake offer appointment letter issued by the accused persons to the victims.
8. I have considered submissions.
9. The jurisdiction to be exercised under Section 438 Cr. PC has to be used sparingly and only in the cases where there is an apprehension of false implication or there is an apprehension of harassment of the petitioner. The alleged letter having been issued by the accused persons on the face of it seems to be purportedly issued by the government having an emblem in the gold colour. The said appointment letter looks as below:

By Speed Post


 A-5403/51/01/23/DO
 GOVERNMENT OF INDIA
 MINISTRY OF HOME AFFAIRS
 DEPARTMENT OF CRIMINAL INTELLIGENCE
 ADMINISTRATION

Man Singh Road, New Delhi-110011
Dated, 29th February 2023

OFFER OF APPOINTMENT

To,

Enrollment No. DCI493410123
Sh. Rendra Yadav
S/O Net Ram
R/O Tahipur Khalapur Gopalpur
Subapur
Uttar Pradesh - 228161
M-9848697458

Sub: Offer of Appointment to the Post of Constable in Department of Criminal Intelligence (DCI) Ministry of Home Affairs on the basis of (CT/DCE) Exam 2022 Conducted by MHA.

Sir/Madam,

I am directed to say that on the basis of the result of Constable/Executive Exam Conducted by Ministry of Home Affairs you are hereby offered an Appointment on Provisional basis of Department of Criminal Intelligence (DCI) Ministry of Home Affairs, as Constable (Group C Non-Scheduled) Non Ministerial.

1. Your pay will be fixed in the Pay Band-3 of (Rs. 5200-20200) With Grade Pay of Rs. 2000/- and you would also be entitled to draw allowances as admissible to Officers of the Central Government of your grade from time to time.
2. The terms of offer of appointment are as follows:
 - i) You will be on probation for a period of two years, from the date of appointment which may be extended at the discretion of the competent authority. During the period of probation, he/she will be required to undergo such training and qualify such departmental test as may be prescribed. Failure to complete the period of probation to the satisfaction of the competent authority or to pass the prescribed test will render him/her liable to discharge from the service or reversion to your substantive post on which he/she may be retaining a lien without a notice.
 - ii) The appointment is provisional, subject to your being found suitable for appointment in Government Service and subject to the verification your character and antecedents. In case your character and antecedents are found not verified /satisfactory or it is found that any false information has been furnished by you, the provisional appointment Letter will be cancelled forthwith and other criminal/civil/legal action as per provisions of Indian Penal Code (IPC) etc., as deemed fit may, also be taken, as a consequence.

By Speed Post

- i) Your appointment may be terminated at any time by one month notice given by either side namely the appointee or the appointing authorities without assigning any reason. The Government, however, reserves the rights to terminate your service forthwith or before the expiry of the stipulated period of notice by making payment to you of a sum equivalent to pay and allowances for the period of notice or the unexpired portion thereof.
- ii) With regard to Leave, Traveling Allowances, contribution to New Pension Scheme (NPS) and all other service matters connected with service conditions, the Officer will be governed by the rules and orders in department from time to time.
- iii) The Officer is liable to be posted and transferred anywhere in India and to serve in any other organisation with which DCI may be merged. Request for transfer, if any, shall be considered only after successful completion of probation i.e. two years.
- iv) Your service will be governed by the Central Civil Service (Conduct) Rules 1964, Central Civil Services (Classification, Control & Appeal) Rules 1965, Fundamental Rules and Supplementary Rules etc. applicable to the branch of the department of which he/she belongs.
- v) The Officer will not be entitled to Traveling Allowance for joining the post.
- vi) If the Officer is already employed, she/he should produce the relieving order from her/his present Employer.

3. In case the Officer belongs to Scheduled Caste, Scheduled Tribe or other backward class, she/he is required to produce a certificate issued in the prescribed format by any of the judicial Authorities mentioned therein. The PwD (PwD) category Officer is also required to produce a certificate issued by the Competent Authority as regard the disability. It should be noted that the appointment is provisional and is subject to verification of the SC/ST/OBC/PH/Educational certificates submitted by the candidate. If the claim to belong SC/ST/OBC/PH (including the claim not to belong to creamy layer in the case of OBC) is found to be false, service will be terminated forthwith without assigning any reason and without prejudice to such further action that may be taken under the Indian Penal Code for production of false certificate. You should also intimate the change, if any, of your religion after appointment, immediately to the Appointing/Administrative Authorities concerned.
4. This offer of Appointment is further subject to producing a Medical Certificate of Fitness from a CMO/ Civil Surgeon /District Medical Officer/Medical Officer of Equivalent status of a Government Hospital. The Medical Certificate of the Officer should be from the District of the present address of the Officer mentioned in the Attestation-Form submitted by her/him.
5. The officer is Posted to North Zone.
6. All selected candidates are required to undergo the twelve months training programme which being finalized and will be intimated separately. However training programme is subject to guidelines on COVID-19 issued from time to time.
7. If the offer on the above terms and conditions is acceptable, you should report on 03-12-2023 for completion of the mandatory appointment formalities, you should also carry the following documents:
 - a) Original Certificates of all Educational Qualifications along with a set of self-attested copies. The Officer is required to produce a copy of mark sheet/certificate issued by University/College/school which could show that she/he has studied.
 - b) Certificate of Date of Birth as recorded in the matriculation/secondary examination certificate along with an attested copy.
 - c) Declaration of Marital Status.



10. Learned APP has also shown on the mobile of the IO a picture that shows the petitioner sitting in the uniform of a Police officer. The photograph of petitioner representing herself as ACP is also reproduced under:



11. I consider that the facts of the present case are very serious in nature. There are ample numbers of cases where innocent people are being allured and cheated in the name of providing government jobs. This is a very serious offence which needs to be investigated thoroughly and is not a fit case for the grant of anticipatory bail.

12. Hence, the present bail application is dismissed.

MAY 4, 2023

Pallavi

DINESH KUMAR SHARMA, J

