

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

% *Date of decision : 06.02.2023*

+ **BAIL APPLN. 3399/2022**

RAMSUBBU RAMAIYA

..... Petitioner

Through: Mr. Hirein Sharma, Ms. Sonali Gupta, Mr. Aman Yadav and Ms. Sakshi Yadav, Advocates.

versus

STATE OF NCT OF DELHI

..... Respondent

Through: Ms. Priyanka Dalal, APP for the State with SI Manoj Kumar, PS V K South.

CORAM:

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

RAJNISH BHATNAGAR, J (ORAL)

1. The present application is filed under Section 439, Code of Criminal Procedure, 1973 ("Cr.P.C."), seeking regular bail in FIR No. 141/2022, under Sections 420/467/468/471 of Indian Penal Code, 1860 ("IPC") and Section 12 of the Passport Act, 1967, registered at Police Station Vasant Kunj.

2. In brief the facts of the case are that the present FIR was registered on a complaint by Ms. Shalini Nelawala. It is alleged that the complainant runs a consultancy firm in Hyderabad and came in contact with the applicant on Facebook. The applicant represented that he can arrange UK Tier V Work Visa for the complainants' client on

charging ₹5,00,000/- per passport. It is further alleged that pursuant to this false representation by the applicant, the complainant sent seven passports for the purpose of getting UK Tier V Work Visas. It is further alleged that the complainant also transferred a sum of ₹4,50,000/- for the said purpose and the Visa which was sent in relation to one passport was found to be forged. Thereafter, the investigation was taken up and the applicant was arrested.

3. It is submitted by learned counsel for the petitioner that petitioner was arrested on 20.02.2022 and is in judicial custody since then. Learned Counsel for the petitioner further submitted that the investigation is complete and the charge sheet has already been filed in the present case. He further submitted that the co-accused person, namely, Pradeep has already been granted bail by this Court vide order dated 27.10.2022 whereas co-accused, Manjeet Singh was granted pre-arrest bail by the learned Trial Court. Hence, the present petitioner claims parity with the co-accused Pradeep. He further submitted that it was co-accused Pradeep, who used to send forged Visas and the applicant was only a person working for the said co-accused, Pradeep. He further submitted that the charge sheet was filed for offences under IPC as well as Section 12 of the Passport Act, 1967. It is further submitted by the counsel for the petitioner that the State has still not obtained sanctions required in terms of Section 15 of the Passport Act, 1967 and, therefore, the trial has not advanced.

4. On the other hand, learned APP for the State while vehemently opposing the bail application submitted that the role of the applicant

has categorically come out in the investigation and he is found to be the main accused in the present case. She further submitted that the present petitioner was named by the complainant and from his possession, not only the passports sent by the complainants but also ten other passports were recovered. She further submitted the role attributed to the petitioner is totally different from the other co-accused, so he cannot claim parity with the other co-accused.

5. Keeping in view the entire circumstances of this case and the facts that the petitioner is in judicial custody since 20.02.2022, chargesheet has been filed, he is not required for investigation purposes and co-accused Pradeep has been granted regular bail and co-accused Manjeet has been granted pre-arrest bail, and the role assigned to the petitioner is similar to co-accused Pradeep, therefore, he is entitled to parity with the co-accused Pradeep. Since two co-accused person are already on bail, the present petition is allowed and the petitioner is admitted to bail on his furnishing a personal bond in the sum of Rs.20,000/- with one surety in the like amount to the satisfaction of the trial court concerned.

7. The bail application along with pending application, if any, stands disposed of accordingly.

RAJNISH BHATNAGAR, J

FEBRUARY 6, 2023/ib