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

\+ BAIL APPLN. 42/2024

SIVARAMAN ..... Petitioner

Through: Mr. Bibek Tripathi, Mr. Y. Lokesh, Mr. Arun Singh & Mr. Ashish Kumar Upadhayay, Advocates.

versus

STATE OF NCT OF DELHI ..... Respondent

Through: Mr. Hemant Mehla, APP for the State with SI Niranjan Kumar, P.S. EOW.

CORAM:
HON'BLE MR. JUSTICE AMIT SHARMA

O R D E R

% 06.05.2024

1. This is second application under Section 439 of the CrPC seeking regular bail in case FIR No. 170/2022, under Sections 419/420/467/468/471/472/473/474/170/120B of the IPC, registered at PS Economic Offences Wing, New Delhi.

2. The case of the prosecution, as per the status report dated 31.01.2024 authored by Mr. S M Sharma, Assistant Commissioner of Police, Section - IV, Economic Offences Wing, Delhi Police, Delhi, is as follows:

> "1. That above said case FIR No. 170/2022, u/s 419/420/467/468/471/120B IPC, dated 18/11/2022, PS EOW was registered on complaint of Mr. M. Subbusamy, AR of 28 Victims/Job seekers of Railway against the accused namely (1) Mr. Sivaraman V (2) Mr. Vikas Rana (3) Mr Dubey (4) Mr Rahul Chaudhary & others on the pretext of job offers in Railways. The complainant alleged that in December 2021, he came in contact with Mr. Sivaraman V (present applicant) R/o - Coimbatore, presently residing in a MP's quarters at No. 3 Mahadev Marg, New Delhi, through another familiar acquaintance in

Hotel Anand and Mr. Sivaraman boasted and claimed to be very closely associated with MPs and Ministers and offered to facilitate jobs in Railways for the Unemployed in lieu of monetary gain. After that the complainant informed Sivaraman about the jobseekers namely (1) Mr. Murali (2) Mr Suresh (3) Mr Jegan Prasad (4) Mr Sateesh Veerapandi. After that complainant along with all four above stated jobseekers visited to Delhi where they were introduced to one Mr Vikas Rana, who himself claim to be as Deputy Director, Northern Railways and introduced to them as an IRTS officer in Connaught Place. Further, Mr. Sivaraman and Mr. Vikas Rana assured to guaranteed jobs in railways.

2. That Complainant further stated that above all four candidates/ jobseekers paid Rs 33,20,000/- from their bank account to Mr. Sivaraman's A/C no: 865276204 of Indian Bank in January/ February 2022 for their employment in Railways. Complainant further alleged the above stated alleged persons provided one month job training through their known associates and later on handed over a forged/fabricated training completion certificate. Complainant further stated that the news pertaining to the training and - completion certificates spread in the nearby vicinity so that another 25 jobseekers/ candidate approached him to help them to get employment in the railways through the same duo, Mr. Sivaraman and Mr. Vikas Rana. After that complainant along with all 25 candidates visited Delhi and contacted Mr. Vikas Rana and Mr. Sivaraman. After that all 25 jobseekers paid sum of rupees 2,63,00,500 into the account of Mr. Sivaraman and Vikash Rana and in cash too. Further, both alleged persons with the help of their associates conducted fake medical examination and one month job training programme to all 25 candidates at Old & New Delhi Railway Station under one Mr. Rahul Chaudhary and issued them forged/fabricated joining letter/ appointment letters. On this complaint above case FIR. No. 170/2022 u/s 419/420/467/468/471/120B IPC was registered and investigation is being taken up.

3. That during the course of investigation, it is revealed that accused Vikas Rana along with his associate Sivraman V & One Mr. Satender Dubey @ Rajnish Pandey (master mind who prepared all forge documents) was trapped the job seekers and collected amounts in their bank accounts and 1 to 1.5 crore in cash on different occasion for various purposes, i.e Receipt of security money, Id Cards fee, training fees etc.

4. It is pertinent to mention here that on perusal of the bank account of accused Sivaraman. V having bank account No 865276204, IFSC Code IDIB000C071 of Indian Bank, it is found that approx. Rs 91,00,000/- has been found deposited into the account of the accused in the alleged period

(Between Oct 2021 to Sep 2021) by the complainants & others in form of cash deposit and account transfer. Further, a sum of Rs 34,75,000/- was transferred into the account of co-accused Vikas Rana having bank account No. 10062135726, IFSC Code: IDFB0020101 and Rs, 4,77,500 having account N03697434705, IFSC Code CBIN0280312 was found transferred into the account of Shahhrukh Khan, (who's account was also operated by accused Vikas Rana.) out of the total collected amount in the account of Accused Sivaraman V.

5. That it is further submitted that during interrogation accused Vikas Rana had admitted that he had received the said amount from Co-accused Sivaraman V left his commission around 11 Lakhs with him and a General Agreement was executed in this regard. Further, during the investigation, Four General Agreements, executed between both accused persons & One executed between accused Vikas Kana & Satender Dubey @ Rajnish Pandey. The said General Agreement was also seized from the house of accused Vikas Rana which was about having a contract about the project and settling of amount and it is mentioned in this agreement that they are settling their share of the cheated amount as per their terms & conditions.

6. That it is further submitted that present applicant was arrested on 29.12.2022 who disclosed that he was introduced with Vikas Rana by one of his associates namely Rahul and hatched a conspiracy with Vikas Rana & Rahul, to cheat people of South India & other states except Delhi /NCR. Accused Vikas Rana also disclosed that he had given Rs 8 lacs to co-accused Rahul as his commission for initial 8 candidates and later on Sivaraman started directly dealing with him. Further, in the search of accused's house, photocopy of forged documents of one of candidates namely Sathish Veerapani was found and seized accordingly.

7. That Further, Co-accused Vikas Rana was arrested on 23.01.23 from Nepal Border, & from his possession one forged ID Card showing him as Deputy Director in Railway was seized along with other articles. That further, during P.C Remand co-accused Vikas Rana identified the rental premises of another co-accused Staender Dubey. Further search of co-accused's house was conducted with due permission of Ld. CMM/PHC, New Delhi (Through Search Warrant dated 28.01.23) on 30.01.23. During search of premises of co- accused, Satender Dubey, the seals of Indian Railway &e Other, stamps and several forged documents, laptop, printer were seized from the tenant premises of accused S. Dubey. Accordingly, section 472/473/474 were also added in the present case.

8. That it is pertinent to mention here that as I-card of Vikas Rana showing him as a Deputy Director in Railway was seized from his

possession, hence Section 170 IPC was also added in the present case. Copy of forged documents of one of candidates was also seized from the premises of accused Sivaraman V and all forged documents and seized seal/stamp were deposited at FSL, for comparison. *Where it has been opined that sample seal of seized stamp are superimpose over the stamp pasted on all forge documents issued to the victims of the case*.

9. That further two accused persons namely Rajnish Kmar Panday @ Satender Dubey & Rahul were also arrested and all are running in judicial custody. During interrogation accused Rajnish Panday disclosed that the training was organised by Vinod Gupta along with his associates Rahul Chaudhary, Ankit Mishra, who were hired by Vikas Rana. Efforts are afoot to trace the remaining accused.

10. That investigation conducted so far chargesheet & supplementary charge sheet against four accused persons including the present applicant was filed before the court and cognizance was taken by the court and the matter is fixed for argument on charge for 11.03.24.

11. That the remaining investigation is still going on as many other accused persons, namely Rahul Chaudhary (Who issued training kit to victims & provided fake taring to the job aspirants), Ankit Mishra (provided fake training to the job aspirants) and other accomplices, Vinod are yet to be traced. FSL Report with regards to recovered laptop from Computer Division is still awaited.

12. That First bail application of applicant was dismissed as withdrawal from this Hon'ble Court on 09.10.23 and subsequently dismissed by the Court of Ld. ASJ on 23.11.23. Further, bail application of co-accused Rajnish Kumar Panday was also dismissed from the Court of Ld. ASJ, New Delhi, Patiala house Court, New Delhi on 19.01.20124.

13. That present applicant actively participated in whole conspiracy and they prepared forged documents/seal/stamp for preparing forged documents, claimed it genuine, issued those documents to the victims of the case and hence, liable for the offence of U/s 419/420/467/468/471/472/473/474/170/120B IPC. The offences of sections invoked are punishable up to life imprisonment and he is also liable for the same being a conspirator of the offence as per section 120B IPC.

Evidence against the present applicant namely Sivaraman V S/o Late. Shri Venkatachalam

a) He is the main contact point of the complainants victims/job aspirants and named in F.IR.

b) He is part of a conspiracy of the fake job racket, as mentioned above.

c) He arranged meeting with the complainant of the case with other co-accused in Hyderabad and also in Delhi.

d) He influenced the candidate by boasting that he had a good reputation and relation with senior officers and ministers in several departments

e) He impersonated himself as the PA of MP and resided in MP Quarters.

f) He had received approx. Rs forty-five lakhs in his account from the victims of the above-mentioned case. However, a total of approx. Rs ninety lakh credited, in the alleged period, in the bank account of the accused, which is being examined, It may be a possibility that he might have cheated some other group also. He had failed to provide the source of the amount credited to his bank account.

g) The photocopy of forged documents issued to the initial candidate, namely C. Satish Veerapandi, was recovered from the house of the accused.

h) He has signed several agreements with co-accused Vikas Rana for receiving the money for the above said fake job racket.

i) He is part of preparing forged documents i.e., IDs card of railway, Job letters, Fake Medical certificates& Others.

j) All the victims of the case belong to South India/Tamilnadu, and he is also from Combatore and gained their trust on the pretext of providing them job in the Railways.

The remaining investigation is still in progress. Moreover, there is a strong suspicion that other individuals might have been involved in this matter. There is a significant risk that he may tamper with the evidence and influence the witnesses. This is a multi-victim case and offenses are grave in nature. Therefore, the bail application of the alleged petitioner is strongly opposed."

3. Learned counsel for the applicant submitted that the latter is a senior citizen of 67 years of age and has falsely been implicated in the present case. He further submitted that the applicant is suffering from various medical issues and has a history of heart ailment and has undergone treatment for the same. It is the case of the applicant that learned ASJ while dismissing his bail application has failed to appreciate that, as per the chargesheet, evidence against the applicant was only with respect to the monetary transaction of Rs. 2,59,000/- from his account.

4. Learned counsel further submitted that the applicant was arrested on 29.12.2022 and has been in judicial custody since then and considering the old age and health condition of the applicant he may be released on bail. He further submitted that the applicant has to take prescribed medicines and requires continuous health monitoring. Learned counsel for the applicant further submitted that the chargesheet has been filed before the Court of competent jurisdiction and the case is at the stage of consideration on charge hence, no purpose will be served in keeping the applicant in custody. It is the case of the applicant that as per the chargesheet forged documents were prepared by the co-accused persons and that the amount shown to have been credited in the account of the applicant was further transferred to other accounts.

5. *Per contra,* learned APP for the State submits that the allegations made against the present applicant are serious in nature as the latter was the main point of contact with the complainants/job aspirants. He further submitted that the applicant had represented himself as Personal Assistants of MPs and impersonated himself as having relations with senior officers and ministers in several departments of the government.

6. Learned APP for the State, on instructions from the Investigating Officer, submitted that an unaccounted sum of Rs. 91,00,000/- has been deposited in the bank account of the applicant during the period commencing from October 2021 to September 2022. It was further submitted that the forged documents, seals and stamps were seized from the house of the present applicant and sent to FSL for comparison, wherein, the report regarding the same has opined that sample seals of the seized stamps were superimposed over the stamp pasted on all the forged documents.

7. Heard learned counsel for the parties and perused the record.

8. It is matter of record that the FSL report with regard to the stamps and seals recovered from the house of the applicant has opined that the sample of seized stamps were superimposed over the stamp pasted on all forged documents issued to the victims/job applicants in the present case. During the course of investigation, it was revealed that a sum of Rs. 91,00,000/- Lakhs was found deposited in the bank account of the present applicant during the alleged period and the applicant was not able to give any satisfactory answers regarding the accountability of the same.

9. As per the status report, investigation with regard to the other co-accused persons namely, Rahul Chaudhary, Ankit Mishra, Vinod is still ongoing and FSL report with regard to the recovered laptop from the Computer Division is still awaited. It has also come on record that various agreements have also been recovered, during investigation from the house of the co-accused Vikas Rana, regarding the distribution of money defrauded from the victims among the co-accused persons.

10. Looking at the facts and circumstance of the case, *prima facie,* it shows that a deep rooted and elaborately planned conspiracy was hatched and operated by the applicant and other co-accused persons. It is also a matter of fact that further investigation is still continuing. Therefore, looking at the circumstance of the case, this Court is not inclined to grant regular bail to the present applicant at this stage. The applicant will be at liberty to file an application for interim bail on medical grounds, if so advised, before the learned Trial Court and the same shall be disposed of in accordance with law.

11. The application is dismissed and disposed of accordingly.

12. Pending application(s), if any, also stand disposed of accordingly.

13. Needless to state, nothing mentioned hereinabove is an opinion on the merits of the case and any observations made are only for the purpose of the present application.

14. Copy of the order be sent to the concerned Jail Superintendent for necessary information and compliance.

15. Order be uploaded on the website of this court *forthwith*.

AMIT SHARMA, J

MAY 6, 2024/

Click here to check corrigendum, if any