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

+ **BAIL APPLN. 3699/2024 & CRL.M.A. 30722/2024**

BOBI

.....Applicant

Through: Mr. Parveen Kumar
Duhan, Adv.

versus

STATE OF NCT OF DELHI & ANR.Respondents

Through: Mr. Manoj Pant, APP for
the State.

Insp. Sukram Pal.

Mr. Kamlesh Kr. Mishra,

Ms. Chandana, Mr. Akhil

Rexwal & Mr. Nikhil,

Advs. for R-2.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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28.11.2024

1. The present application is filed seeking pre-arrest bail in FIR No.680/2024, registered at Police Station Sultan Puri, for offences under Sections 420/468/471 of the Indian Penal Code, 1860 ('IPC').

2. The allegation against the applicant is that she had filed a Nomination Form in the Municipal Elections as a Scheduled Caste Candidate on the basis of forged Caste Certificate.

3. The case of the prosecution at this stage is that the Caste Certificate was obtained on the basis of fabricated documents.

4. It, however, remains undisputed that the Caste Certificate was in fact issued by the concerned authorities in the State of Uttar Pradesh.

5. The Caste Certificates are issued by the authorities on the basis of the documents and the enquiry conducted by the authorities. The applications are made to Sub Divisional Officer / Deputy Collector / Deputy Commissioner of the concerned area.

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The State Governments have constituted a committee for the purpose of verification or validation of the said certificates and, if any claim at some stage is not found to be genuine or to have been falsely or wrongly claimed, the concerned department is required to issue a Show Cause Notice.

6. No such procedure has till date been followed in the present case.

7. The learned Additional Public Prosecutor for the State, however, states that the applicant has not cooperated with the investigation and has not provided the documents which were required.

8. It is not in doubt that an order for grant of pre-arrest bail cannot be passed in a routine manner so as to allow the accused to use the same as a shield. At the same time, it cannot be denied that great amount of humiliation and disgrace is attached with the arrest. In cases where the accused has joined investigation, and is not likely to abscond, the custodial interrogation should be avoided.

9. It is trite law that the accused person not confessing to the allegations levelled against him and not make self-incriminating statements, cannot be said to be non-cooperation with the investigation [Ref. ***Bijender v State of Haryana : Special Leave to Appeal (Crl.)No. 1079/2024***], decided on 06.03.2024].

10. It is not in dispute that the antecedents of the applicant are clean.

11. This Court, by order dated 09.10.2024 had granted interim protection to the applicant, subject to her joining and cooperating with the investigation. It is stated that the applicant has since joined investigation.

12. In view of the above, the present application is allowed
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and the applicant in the event of arrest, is directed to be admitted on bail on furnishing a personal bond for a sum of ₹25,000/- with two sureties of the like amount subject to the satisfaction of the concerned SHO, on the following conditions:

- a. The applicant shall join and cooperate with the investigation as and when directed by the IO;
- b. The applicant will not leave the boundaries of the country without the permission of the learned Trial Court;
- c. The applicant shall not contact the complainant / witnesses or tamper with the evidence in any manner;
- d. The applicant shall give her mobile number to the concerned IO/SHO and shall keep her mobile phone switched on at all times;
- e. The applicant shall provide the address of her residence to the IO/SHO and shall not change the same without informing the concerned IO/SHO.

13. In the event of there being any violation of the stipulated conditions, it would be open to the State to seek redressal by filing an application seeking cancellation of the bail.

14. It is clarified that the observations made in the present order are for the purpose of deciding the present pre-arrest bail application, and should not influence the outcome of the Trial and should not be taken, as an expression of opinion, on the merits of the case.

15. The bail application is allowed in the aforesaid terms.

AMIT MAHAJAN, J

NOVEMBER 28, 2024/“SK”

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