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

+ **BAIL APPLN. 1250/2025**

SOMNATH PRAJAPATIApplicant
Through: Mr. Rohit Kumar, Mr.
Lalit Nagar and Mr. Rudra
Pratap Singh, Advs.

versus

STATE OF NCT OF DELHIRespondent
Through: Mr. Sunil Kumar Gautam,
APP for the State with
Insp. Nagender Singh,
IFSO / Special Cell.
Mr. Karanjot Singh
Mainee and Mr. Sahil
Chopra, Advs. for the
Complainant Bank.

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER
27.05.2025

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1. By the present application, the applicant seeks regular bail in FIR No. 211/2022 dated 26.07.2022, registered at Police Station Special Cell, for offences under Sections 420/467/468/471/120B of the Indian Penal Code, 1860 ('IPC') and Sections 66C/66D of the Information Technology Act, 2000 ('IT Act').

2. The FIR was registered on a compliant given by the HDFC Bank alleging that it observed 35 customers had opened saving accounts with the HDFC Bank, out of which, 19 accounts were opened digitally online. It is alleged that some common photographs and signatures had been observed for these bank



accounts with different names. It is alleged that two common photographs were observed to have been used for opening 33 accounts and photograph of one individual was found to be in 12 accounts. It is further alleged that multiple credit facilities were provided to these account holders, such as, credit cards, two-wheeler loan, personal loan, etc. It is alleged that the accounts were opened using forged documents and availed loan facilities, causing wrongful loss to the bank. It is alleged that these customers are not traceable and a total sum of ₹1.26 Crores is outstanding.

3. During investigation, it was found that one account was opened in the name of the applicant and he was bound down in another FIR. It was further found that a co-accused in that case, namely, Navneet Prajapati, was the same person whose photograph appeared in 27 bank accounts, that were opened using fake and forged documents.

4. The prosecution alleges that the photograph of the applicant appeared in 6 bank accounts that were opened using fake and forged documents. Several incriminating documents, including, PAN Cards, Aadhar Cards, Voter IDs in the name of the applicant and the co-accused Navneet Prajapati were recovered, which are claimed to have been used for opening the bank accounts fraudulently.

5. It is alleged that the accused persons had purchased 8 two-wheelers and 4 four-wheelers by availing vehicle loan using forged documents, out of which, the applicant had availed loan for purchase of 3 two-wheelers. Twelve of those vehicles were recovered at the instance of the accused persons. The accused



persons had availed personal loans, Debit Card EMI loans and credit facilities to the tune of ₹1.26 crores.

6. It is further alleged that the amount taken as loan was also used for purchasing home appliances, including, refrigerators, washing machines, televisions etc, which have been recovered.

7. At the outset, it is pointed out that the bail application filed by the applicant on an earlier occasion was dismissed by a Coordinate Bench of this Court by order dated 29.02.2024, in BAIL APPLN. 1745/2023, noting that the trial was at the initial stage.

8. The Coordinate Bench further noted that the Court cannot gloss over the allegations that the applicant had on several occasions impersonated and forged Aadhar cards along with co-accused Navneet Prajapati. The categorical stand of the State was also noted that the applicant is a flight risk having expertise in forging identity documents.

9. The learned counsel for the applicant states that the earlier bail application filed by the applicant was dismissed more than a year back on 29.02.2024.

10. He states that the present bail application is filed as the applicant has already undergone more than 2 years and 9 months in custody and the trial has still not started.

11. *Per contra*, the learned Additional Public Prosecutor opposes the grant of liberty to the applicant and stresses upon the grave nature of the allegations.

12. The factor which persuaded the Coordinate Bench to dismiss the earlier bail application filed by the applicant was firstly that the trial is at a nascent stage.



13. Despite a lapse of more than one year since then, the trial is still at a nascent stage whereas the applicant has spent substantial period of time in custody. On being pointedly asked, it is informed that the charges are yet to be framed in the present case.

14. The same is an anathema to the principle of personal liberty and right to have a speedy trial guaranteed under Article 21 of the Constitution of India. The applicant cannot be made to suffer incarceration for an endless period of time. The trial has not even started and it is not likely to conclude in near future.

15. The Hon'ble Apex Court in a catena of cases has observed that every day spent in custody can provide a new cause of action for filing a bail application under certain circumstances. Each additional day in custody can potentially alter the circumstances under which bail is considered.

16. The Hon'ble Apex Court in the case of ***Union of India v. K.A. Najeeb* : AIR 2021 SC 712** held that once it is obvious that a timely trial would not be possible, and the accused has suffered incarceration for a significant period of time, the courts would ordinarily be obligated to enlarge them on bail.

17. While it cannot be denied that the offence alleged against the applicant is grave in nature, the Hon'ble Apex Court in the case of ***Javed Gulam Nabi Shaikh v. State of Maharashtra and Another* : Crl.A.2787/2024** has observed as under:

“19. If the State or any prosecuting agency including the court concerned has no wherewithal to provide or protect the fundamental right of an accused to have a speedy trial as enshrined under Article 21 of the Constitution then the State or any other prosecuting agency should not oppose the plea for bail on the ground that the crime committed is serious.



Article 21 of the Constitution applies irrespective of the nature of the crime.

20. We may hasten to add that the petitioner is still an accused; not a convict. The over-arching postulate of criminal jurisprudence that an accused is presumed to be innocent until proven guilty cannot be brushed aside lightly, howsoever stringent the penal law may be.”

18. The object of jail is to secure the appearance of the accused during the trial. The object is neither punitive nor preventive and the deprivation of liberty has been considered as a punishment.

19. The Coordinate Bench had also taken note of the apprehension of the prosecution that the applicant may be a flight risk. In the opinion of this Court, the said apprehension can be allayed by putting appropriate conditions.

20. The applicant is, therefore, admitted on bail and is directed to be released (if not required in any other case) on furnishing a personal bond for a sum of ₹20,000/- with two sureties of the like amount, subject to the satisfaction of the learned Trial Court, on the following conditions:

- a. The applicant shall mark his appearance before the concerned IO/SHO on the last Friday of every month at 4PM. The applicant shall not be made to wait for more than one hour;
- b. The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case, in any manner whatsoever;
- c. The applicant shall under no circumstance leave the country without the permission of the learned Trial



Court. He shall surrender his passport to the Investigating Officer;

- d. The applicant shall appear before the learned Trial Court as and when directed;
- e. The applicant shall provide the address where he would be residing after his release and shall not change the address without informing the concerned IO/ SHO;
- f. The applicant shall, upon his release, give his mobile number to the concerned IO/SHO and shall keep his mobile phone switched on at all times.

21. In the event of there being any FIR/DD entry/complaint lodged against the applicant, it would be open to the State to seek redressal by filing an application seeking cancellation of bail.

22. It is clarified that any observations made in the present order are for the purpose of deciding the present bail application and should not influence the outcome of the trial and also not be taken as an expression of opinion on the merits of the case.

23. The bail application is allowed in the aforementioned terms.

AMIT MAHAJAN, J

MAY 27, 2025

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