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

+ **BAIL APPLN. 1686/2025**

RAVINDER KUMAR

.....Petitioner

Through:

versus

STATE(NCT OF DELHI)

.....Respondent

Through: Mr. Amit Ahlawat, APP for State.
SI Sanjay Kumar, PS: Dwarka, North.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **01.05.2025**

BAIL APPLN. 1686/2025

1. Issue notice. Mr. Amit Ahlawat, APP for State, accepts notice. A copy of the reply has been handed over across the Board and is taken on record.
2. The present application filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (formerly Section 438 of the Code of Criminal Procedure, 1973²) seeks pre-arrest bail in proceedings arising from FIR No. 2/2025 registered under Sections 318(4)/336(3)/340(2)/61(2) of the Bharatiya Nyaya Sanhita, 2023 at P.S. Dwarka North.
3. Briefly, the case of the prosecution is as follows:
 - 3.1. The present FIR was registered on the basis of a complaint made by the Executive Magistrate, Sub-Division, Dwarka, alleging that the

¹ "BNSS"



Applicant, Ravinder Kumar, was involved in the preparation of Voter EPIC and Aadhar cards using forged documents. Acting on the direction of the competent authority, a team led by the Executive Magistrate, along with the Tehsildar and Naib Tehsildar (Kapashera), conducted a raid at a CSC centre located at A-44, Hari Vihar, Kakrola. During the raid, two envelopes containing EPIC cards issued in the names of Ganesh Mandal and Suraj Sharma were found, bearing addresses unrelated to the CSC premises. Additionally, five Aadhaar address amendment forms were recovered, purportedly attested by the then MLA, Gulab Singh. The signatures on these forms were found to be inconsistent with each other. *Prima facie*, the team concluded that the Applicant, being the owner of the CSC, was involved in preparing EPIC and Aadhar cards using forged documents.

3.2 During the course of investigation, all five individuals whose Aadhaar details had been amended called for inquiry. They confirmed paying INR 300-500 to the Applicant for address changes in their Aadhaar cards. They submitted documents to the Applicant at his CSC, and he handled the completion and attestation of the forms using the ex-MLA's details. They also stated that the original forms remained with the Applicant. Two EPIC cards were recovered from the CSC. The respective cardholders acknowledged instructing the postman to deliver the cards to the CSC as they were not available at their homes and had applied for them through the said CSC.

3.3 Ex-MLA Gulab Singh, when questioned during inquiry, categorically denied having signed or stamped the Aadhaar forms and alleged that both

² "Cr.P.C."



his signature and seal were forged. His official seal was seized for further investigation.

4. Counsel for the Applicant submits that the Applicant is willing to cooperate and join the investigation fully. He argues that there is no substantial evidence indicating that the Applicant poses a flight risk. He assures that the Applicant will abide by any condition imposed by the Court. On merits, it is contended that the Applicant has been falsely implicated in a malicious prosecution driven by conjecture and speculation, with no cogent evidence to support the allegations. The Applicant emphasizes that he has no criminal antecedents and no recovery is required to be made at his instance and all alleged materials have already been seized during the raid itself. Thus, his cooperation renders custodial interrogation unnecessary.

5. *Per contra*, Mr. Amit Ahlawat, APP for State, strongly opposes the request for bail. He argues that custodial interrogation is necessary, given the material on record implicating the Applicant as the key conspirator in the creation of forged identity documents, including fabrication of documents with signatures and seals of the ex-MLA. Despite service of notice under Section 41A of the Cr.P.C on 8th February 2025, the Applicant failed to appear for investigation. The prosecution asserts that custodial interrogation is vital to trace the origin of the forged stamps and understand the Applicant's *modus operandi*. Additionally, the Applicant's request for anticipatory bail had previously been rejected by the ASJ, Dwarka Courts, on 22nd April 2025.

6. The Court has considered the aforementioned facts and contentions. The offences alleged involve serious charges, including the forgery of



government-issued identity documents. A *prima facie* evaluation of the evidence indicates the use of forged signatures and seals of a public representative. The Applicant was directed by the Investigating Officer³ to submit certain documents, which he failed to do, clearly indicating non-cooperation on his part. The IO also claims that the Applicant destroyed key evidence and tampered with digital records, raising concerns of further tampering or destruction, if granted bail.

7. As regards the Petitioner's contention that custodial interrogation is not required, it would be apposite to refer to the judgment of the Supreme Court in **S. V. Arun Kumar CK and Ors.**,⁴ which has also been referred by the Trial Court, wherein it has been held as under:

"...In many anticipatory bail matters, we have noticed one common argument being canvassed that no custodial interrogation is required and, therefore, anticipatory bail may be granted. There appears to be a serious misconception of law that if no case for custodial interrogation is made out by the prosecution, then that alone would be a good ground to grant anticipatory bail. Custodial interrogation can be one of the relevant aspects to be considered along with other grounds while deciding an application seeking anticipatory bail. There may be many cases in which the custodial interrogation of the accused may not be required, but that does not mean that the prima facie case against the accused should be ignored or overlooked and he should be granted anticipatory bail.

The first and foremost thing that the court hearing an anticipatory bail application should consider is the prima facie case put up against the accused. Thereafter, the nature of the offence should be looked into along with the severity of the punishment. Custodial interrogation can be one of the grounds to decline custodial interrogation. However, even if custodial interrogation is not required or necessitated, by itself, cannot be a ground to grant anticipatory bail..."

8. In light of the foregoing and considering the seriousness of the allegations, the preliminary stage of investigation, and the Applicant's

³ "IO"



apparent lack of cooperation, this Court is not inclined to grant anticipatory bail to the Applicant.

9. Accordingly, the present application, is dismissed.

MAY 1, 2025
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SANJEEV NARULA, J

⁴ 2022 INSC 1133