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

+ **BAIL APPLN. 4023/2024 & CRL.M.A. 33178/2024**

CHANDER SAIN

.....Petitioner

Through: Mr. Rahul Chaudhary, Advocate.
versus

THE STATE GOVT OF NCT OF DELHI

.....Respondent

Through: Ms. Shubhi Gupta, APP for the State.
SI Pankaj Kumar, PS Bhajanpura.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

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18.03.2025

1. This hearing has been done through hybrid mode.
2. The application under Section 482 of the BNSS (Section 438 of the Cr.P.C.) seeks anticipatory bail in case FIR No. 167/2023 under Sections 420/406 /468 /471/34 of the IPC, registered at PS Bhajanpura, Delhi.
3. Learned counsel appearing on behalf of the applicant submits that the latter is in fact the victim in the present case inasmuch as the main accused- Satish Kumar Solanki had duped the present applicant. It is submitted that the son of the present applicant, namely, Manish Sain has filed a complaint before learned CMM, East, Karkardooma Courts, Delhi against Satish Kumar Solanki under Section 156(3) of the Cr.P.C. seeking directions for registration of FIR under the relevant provisions of law. The copy of the said complaint has been placed on record. It is stated in the said complaint that Manish Sain knew said Satish Kumar Solanki as he was a friend of his father, i.e., the present applicant and had asked him to accept money in his account for providing jobs in the Education Department to certain persons as the said



Satish Kumar Solanki said that he was a government employee and therefore, could not accept the money in his accounts. In the complaint it is also recorded that Mr. Manish Sain (son of the applicant) had received money from different persons and gave it to the said Satish Kumar Solanki, who in turn had given an affidavit to Mr. Manish Sain stating that in case he was unable to provide the jobs to those persons, he would return the money to the concerned persons with interest. It is submitted that the present applicant and his son are therefore victims of the aforesaid Satish Kumar Solanki.

4. *Per contra*, learned APP for the State on instructions from the Investigating Officer, submits that in the present FIR, direct allegation has been made against the present applicant as well as his son. In the said FIR, it is stated that the present applicant and his son were well-known to the complainant's family and after gaining confidence as a retired SI in the Delhi police and promising to arrange the complainant an employment as an LDC in the office of Assistant Director, Directorate of Education, Govt. of NCT of Delhi, demanded a sum of Rs. 5 lakhs. It is stated that out of the said sum, Rs. 2,55,000/- was transferred by the complainant and his family to the account of the son of the applicant- Manish Sain through cheque and RTGS and the remaining amount of Rs. 2 lakhs has been given in cash to the present applicant. It is submitted that the applicant and his son had provided documents like confirmation letter, list of allotment, list of finally selected candidates to the complainant for assurance of the job, which have been later found to be forged from the response of the concerned authorities. Further it is submitted that the applicant and his son have been declared proclaimed offender in the present FIR.

5. Heard learned counsels for the parties and perused the record.



6. Status report dated 18.03.2025 authored by SHO PS Bhajanpura has been handed up in Court today and the same is taken on record. In the said report, it is recorded as under:-

“It is submitted that a complaint with the diary number Dy. No. 34G, dated 21-10-2022 was received at PS Bhajanpura and the same entrusted to (SI Ashutosh Mishra) for enquiry. Therefore, the enquiry got conducted into the matter and the complainant Mr. Gagan Sharma S/o Sh. Naresh Sharma R/o D-639A, Gali No. 7C, Bhajanpura, Delhi, Age-23 yrs. was examined who reiterated the version of his complainant. The complainant stated that his father is a government employee and presently posted in Delhi Police as an ASI in PTS Wazirabad, Delhi. He further submits that alleged persons namely Chander Sain who is retired from Delhi Police from the post of Si is well known to his family and close friend of his father Naresh Kumar Sharma. The complainant Gagan and his sister Dolly were trying for govt. job meanwhile alleged Chander Sain induced him for securing his government job in management kota in the Education Department of Delhi. Thereafter complainant discussed with his family and being a trusted person, he & his sister Dolly Sharma handed over photocopies of their educational data to the alleged Chander Sain.

After that, complainant filled a form and gave the same to the alleged Chander Sain who after days came back and informed that their filled form has been submitted before the concerned authorities of Education Department and their job is no secured, for this the alleged asked for a sum of Rs. 5 lakhs. Thereafter the complainant and his family transferred 2,55,000/- Rs to the alleged Chander Sain in the account of his son Manish Sain through cheque & RTGS and also given Rs. 2,00,000/- in cash to Chander Sain After that, the alleged persons himself handed over some documents like CONFIRMATION LETTER, LIST OF ALLOTMENT, LIST OF FINALLY SELECTED CANDIDATE to the complainant for assurance. During this incident alleged Chander Sain set a meeting with a person who was called an officer of education department by alleged, his name was Satish Solanki who has identity card of AAO in Education Department, he assured for job to the complainant and his family and told that final list will be come soon. After that the complainant and his family waited for a long but when no such list/ joining letter come his father go to the education department where it revealed that above mentioned documents are forged and fabricated. The complainant and his family shocked to know this fact and asked their money back from Mr. Chander Sain who threatened him for dire consequences, therefore present complainant was lodged by him. The transaction details of alleged Manish



Sain also obtained during enquiry in which reflects the money transferred by the family members of complainant. After approval of DCP North-East the above said case has been registered at PS Bhajanpura.”

7. The Court has also gone through the contents of the FIR, wherein direct allegations have been made against the present applicant and his son. The complainant has made clear allegations with respect to the delivery of money to the present applicant as well as handing over of the forged documents by the applicant and his son to the complainant and his family members, as alleged in the status report. The documents alleged to be handed over to the complainant have been enquired from the concerned department and the same are found to have been forged. In the present case the applicant has already been declared proclaimed offender. In view of the facts and circumstances of the case, custodial interrogation of the present applicant is required and thus, no ground for anticipatory bail has been made out.
8. Application is dismissed and disposed of accordingly.
9. Pending application(s), if any, also stands disposed of.
10. 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 bail application.
11. Order be uploaded on the website of this court *forthwith*.

AMIT SHARMA, J

MARCH 18, 2025/sn/Pc

[Click here to check corrigendum, if any](#)