

Somnath Prajapati vs State (Nct Of Delhi) on 29 February, 2024

Author: Jyoti Singh

Bench: Jyoti Singh

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IN THE HIGH COURT OF DELHI AT NEW DELHI
BAIL APPLN. 1745/2023

SOMNATH PRAJAPATI

Through: Mr. Sunil Dalal, Senior
with Ms. Manisha Saroha, Mr. Mah
Mr. Prashant Singh, Mr. Navish B
Beniwal and Mr. Vijay Singh, Adv
versus

STATE (NCT OF DELHI)

Through: Ms. Shubhi Gupta, APP
with Insp. Uday Singh, PS Spec
Mr. Karanjot Singh Mainee, Mr.
Mr. Shishir Kaushik and Ms. Ch
Advocates for Complainant.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

% 29.02.2024

1. This application has been preferred on behalf of the Applicant Somnath Prajapati S/o Chhotelal seeking regular bail under Section 439 read with Section 167 Cr.P.C. in case FIR No. 211/2022 dated 26.07.2022 under Sections 420/467/468/471/120B IPC read with Sections 66C/66D of Information Technology Act, 2000, registered at PS: Special Cell, Delhi.

2. Case of the prosecution is that Sh. Amit Sahni, from Credit Intelligence and Control, HDFC Bank Limited filed a written complaint alleging that 35 customers had opened savings accounts with the Bank at periodic intervals between the years 2014-2022, at different branches of HDFC Bank in Delhi, out of which 19 accounts were opened online. Common photographs and signatures were observed in the 35 savings bank accounts albeit the accounts were in different names. Two photographs This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 04/03/2024 at 21:45:53 were common in at least 33 accounts. Thirteen (13) accounts, opened digitally, were processed with digital Aadhar verifications as per the laid down guidelines, but it was noticed that photograph of only 01 individual was appearing in 12 accounts. HDFC Bank had extended multiple credit facilities i.e. Credit Cards, DCEMI, PL2CC/Jumbo Loan, two-wheeler loans, personal loans and auto loans to the respective account holders from time to time, basis their account opening relationships along

with documents and balances maintained with the Bank. It was subsequently observed that the alleged account holders had opened all 35 accounts using forged documents and had availed loan and credit facilities, causing wrongful loss to the Bank. The customers were thereafter not traceable and a sum of Rs.1.26 crore is outstanding till date, on account of the loan facilities extended under these accounts.

3. It is further stated in the Status Report that on complaint of Sh. Amit Sahni, present FIR was registered and investigation was taken up by the Special Cell. During the course of investigation, through analysis of CDRs, CAFs and with the aid of social media platforms and resources available, it was found that 01 account was opened in the name of Somnath Prajapati (Applicant), purportedly residing at RZ-2039, Gali No.26, First Floor, Tughlakabad Extension, Kalkaji, Delhi. Investigation also revealed that he was bound down in FIR No. 255/2022 dated 04.07.2022 under Sections 465/466/471/474/120B IPC and Section 25 Arms Act, 1959 registered at PS: Saket, Delhi, while co-accused Navneet Prajapati had been arrested in the said case and was in judicial custody. On checking, with the aid of photograph of Navneet, from the Prisoner Management System, it was revealed that he was the same person whose photograph was on 27 Bank accounts opened on the basis of forged and fake documents.

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4. Thereafter, raid was conducted at the available address of the Applicant and he was arrested on 28.07.2022. During investigation, several incriminating forged documents pertaining to the Bank accounts fraudulently opened with the HDFC Bank were recovered. During interrogation, Applicant disclosed that he along with his maternal uncle Navneet used to run an Aadhar Centre, from where they defrauded people and on the basis of their biometrics and photographs, fake Aadhar Cards were prepared. These Aadhar Cards were then used to open Bank accounts for taking personal/vehicle loans and credit cards, but loans were never repaid. During 07 days Police custody, several forged Aadhar Cards, Voter ID Cards and PAN Cards were recovered, most of which had the photographs of the Accused persons but with different names and addresses. Several passbooks, cheque books and debit cards were also recovered during investigation. Twelve (12) vehicles taken against loans have been recovered from the Accused persons apart from household items purchased using credit cards issued on fake IDs. Charge sheet was filed on 25.10.2022 and on further investigation, supplementary charge sheet was filed on 13.04.2023. Third co-accused Harish Chand Kalra was charge- sheeted, without arrest.

5. Out of 35 HDFC Bank accounts against which the Bank had made initial complaint, 05 accounts were opened and operated in the names of:

(i) Kanhaiya Shah; (ii) Deepak Rai; (iii) Anmol Kumar; (iv) Sonu Singh;

(v) Ashok Singh, by the Applicant, using forged identity cards, such as, PAN Cards, Voter ID Cards and Aadhar Cards. As per the record seized during investigation, Applicant impersonated himself as one Anmol Kumar and took one KOI Scooty against vehicle loan on forged documents.

Delivery of the vehicle was taken on 13.02.2022 from MOISSANITE This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 04/03/2024 at 21:45:54 AUTOMOBILES Pvt. Ltd., F-1/9, Okhla Industrial Area-I, New Delhi. Photograph of the Applicant taking the delivery of the vehicle has also been recovered, in addition to the vehicle itself. Applicant also impersonated himself as one Deepak Rai and took possession of one TVS Ntorq Scooty on vehicle loan, on 10.09.2020 from DYNAMIC MOTORS. Applicant adopted a similar modus operandi and took delivery of several vehicles on forged documents. In all, during the investigation, 12 vehicles purchased on loans, using forged documents with same photographs and different addresses; 18 mobile phones used for committing the offences; 91 forged IDs including Aadhar Cards, Voter ID Cards and PAN Cards; 18 debit cards; 08 silicon finger prints, used to operate Aadhar operations and household items, such as, refrigerators, TVs, washing machines have been recovered.

6. Learned Senior Counsel for the Applicant submits that the Applicant is innocent and has been falsely implicated in this case. Applicant was not named in the FIR and was arrested on 28.07.2022 during investigation. The allegation against the Applicant is that he along with co-accused Navneet Prajapati was involved in forging Aadhar Cards and other identity cards and using the same for opening Bank accounts with HDFC Bank. Allegedly, Applicant opened 06 Bank accounts using forged identities and different names but all had photographs of the Applicant. One of the Bank accounts is alleged to be in the name of the Applicant and as per the Bank, the accounts were opened between 2014 to 2022. However, despite emphasizing that '35' Bank accounts were fraudulently opened, no specific dates or details of the alleged Bank accounts were given. It is also not known as to on which portal the fake identities were prepared. Final report submitted by the Investigating Officer states that Navneet used his Aadhar This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 04/03/2024 at 21:45:54 Kendra facility to commit the alleged acts, but neither any document has been placed along with the final report to prove that he had the permit to operate the facility nor has any time period been mentioned for the operation. Even though Navneet had permit for Aadhar Card Kendra facility, but the same was valid only for the period 2016 to 2017.

7. It was further submitted that investigation does not reveal as to which Bank account was used to purchase the alleged recovered articles at the instance of the Accused and no purchase invoices or the shops etc. from where purchases were allegedly made have been disclosed. Charge sheet has been filed but the same was incomplete as further investigation was ongoing and finally, a supplementary charge sheet was filed against Harish Kalra. Applicant had filed an application

seeking default bail under Section 167 Cr.P.C. on this very ground. Even though major part of the alleged recovery is from Harish Kalra, yet his name is neither in the FIR nor in the initial charge sheet.

8. It is contended that photographs of the Applicant were misused by some other persons for availing loans and committing the Bank fraud and Applicant has nothing to do with the alleged offences. Applicant came to Delhi only in the year 2019 and has no concern with the Aadhar Card Centre of Navneet. Investigating Agency has failed to establish any connection of the Applicant with persons, whose Aadhar Cards have been used, allegedly on which the photographs of the Applicant are affixed. It was also argued that during investigation, statements of Bank officials were recorded, wherein Sh. Jatin Bansal stated that Bank accounts were opened in the name of Rajender Kumar and Birender Yadav by co-accused Harish Kalra, using their identities and with the picture of Harish Kalra and yet he has not been arrested and only notice was served on him under Section 41A This is a digitally signed order.

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9. Learned Senior Counsel relied on the judgment of the Supreme Court in Sanjay Chandra v. Central Bureau of Investigation, (2012) 1 SCC 40, where the Supreme Court observed that no doubt, the nature of the charge is relevant but at the same time, punishment to which the party may be liable, if convicted, also has a bearing on the issue of grant of bail and therefore, in determining whether to grant bail, both seriousness of the charge and severity of the punishment should be taken into consideration. Primary purpose of bail in a criminal case is to relieve the Accused of imprisonment, to relieve the State of the burden of keeping him, pending trial and at the same time, to keep the Accused constructively in the custody of the Court, whether before or after conviction, to ensure that he will submit to the jurisdiction of the Court. Where under-trial prisoners are This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 04/03/2024 at 21:45:54 detained in Jail custody for an indefinite period, Article 21 of the Constitution of India is violated. Reliance was also placed on the observation of the Supreme Court that even where the Accused is

charged with commission of economic offences of huge magnitude, which if proved, may jeopardise the economy of the country, Courts must not lose sight of the fact, while considering a prayer for grant of bail, that Investigating Agency has completed investigation and charge sheet has been filed.

10. Learned Senior Counsel also alluded to the judgments of this Court in *Sunder Singh Bhati v. The State*, 2022 SCC OnLine Del 134; *Shivinder Mohan Singh (Dr.) v. Directorate of Enforcement*, 2023 SCC OnLine Del 766 and *Ajay Khera v. State of GNCTD*, 2023 SCC OnLine Del 2249, to highlight the observations of the Courts that magnitude of the alleged offence or seriousness of the charge cannot be the sole factor to deny bail. The object of bail is to secure presence of the Accused at the time of trial and to receive sentence, if convicted and the object is neither punitive nor preventive. Till a person is convicted, there is a presumption of innocence and he should be continued in custody only if there are reasons to believe that the Accused might flee from justice, tamper with evidence and/or influence witnesses.

11. Per contra, learned APP for the State strenuously opposes the bail application. It is stated that the allegations against the Applicant are grave and serious and he is the main beneficiary of the cheated amount. Applicant is a part of a syndicate involved in a well-planned conspiracy of defrauding and cheating the Banks, by availing loans on forged and fabricated documents including identify proofs. Applicant has impersonated himself on several occasions and taken vehicles on loan through HDFC Bank This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 04/03/2024 at 21:45:54 accounts, based on forged documents. So far, investigation has revealed that as many as 06 Bank accounts with forged IDs have been opened by the Applicant and this is evident from the photographs of the Applicant on the documents pertaining to opening of the accounts etc., which have been filed with the status report. Photographs showing him taking deliveries of the vehicles on loans on forged IDs are also available and reflect his well-orchestrated plan to defraud the bank and cheat innocent people. Two cars and one two-wheeler purchased on loan have been recovered at the instance of the Applicant, apart from Voter ID Cards, Aadhar Cards, debit cards and passbooks prepared by the Applicant with different names and addresses but with his own photograph. Household items purchased from the loans as well as a card printing machine, used to prepare forged IDs, have also been recovered from the Applicant. Applicant is likely to commit similar offences, if released on bail as he has attained expertise in preparing fake IDs and there is a strong apprehension that he will evade further investigation, if any, and hamper the trial, which is at the initial stage. Applicant is a flight risk and therefore, his bail application should be dismissed. Reliance was placed on the judgement of the Supreme Court in *Centrum Financial Services Limited v. State of NCT of Delhi and Another*, (2022) 13 SCC 286, to urge that Petitioner is not entitled to concession of bail at this stage.

12. I have heard learned Senior Counsel for the Applicant and learned APP for the State.

13. Before proceeding to examine the rival contentions of the parties, it would be useful to note the parameters required to be kept in mind by this Court while considering an application for regular

bail. In Central Bureau of Investigation v. V. Vijay Sai Reddy, (2013) 7 SCC 452, the Supreme This is a digitally signed order.

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"34. While granting bail, the court has to keep in mind the nature of accusations, the nature of evidence in support thereof, the severity of the punishment which conviction will entail, the character of the accused, circumstances which are peculiar to the accused, reasonable possibility of securing the presence of the accused at the trial, reasonable apprehension of the witnesses being tampered with, the larger interests of the public/State and other similar considerations. It has also to be kept in mind that for the purpose of granting bail, the legislature has used the words "reasonable grounds for believing" instead of "the evidence"

which means the court dealing with the grant of bail can only satisfy itself as to whether there is a genuine case against the accused and that the prosecution will be able to produce prima facie evidence in support of the charge. It is not expected, at this stage, to have the evidence establishing the guilt of the accused beyond reasonable doubt."

14. In P. Chidambaram v. Central Bureau of Investigation, (2020) 13 SCC 337, the Supreme Court held as under:-

"21. The jurisdiction to grant bail has to be exercised on the basis of the well-settled principles having regard to the facts and circumstances of each case. The following factors are to be taken into consideration while considering an application for bail:

(i) the nature of accusation and the severity of the punishment in the case of conviction and the nature of the materials relied upon by the prosecution;

(ii) reasonable apprehension of tampering with the witnesses or apprehension of threat to the complainant or the witnesses;

(iii) reasonable possibility of securing the presence of the accused at the time of trial or the likelihood of his abscondence;

(iv) character, behaviour and standing of the accused and the circumstances which are peculiar to the accused;

(v) larger interest of the public or the State and similar other considerations.

[Vide Prahlad Singh Bhati v. State (NCT of Delhi), (2001) 4 SCC 280:

2001 SCC (Cri) 674]."

15. The allegations against the Applicant are grave and serious. Applicant is alleged to have prepared multiple forged IDs/Aadhar Cards, to open Bank accounts with HDFC Bank, using his own photograph albeit on different names and addresses. As per the prosecution, the amount till date outstanding on the loan facilities is to the tune of Rs.1.26 crore, as a fall out This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 04/03/2024 at 21:45:54 of a well thought of and orchestrated plan to defraud the bank by opening accounts using forged documents, including identity proofs, such as Aadhar cards, to avail various kind of loans. Twelve (12) vehicles purchased on the said loans, 18 mobile phones used for committing the alleged offence, 91 forged IDs, 18 debit cards of forged accounts, 8 silicon finger prints, machine used for printing cards, etc., have been recovered, out of which most have been recovered from the Applicant or at his instance. Respondent has also placed on record documents allegedly used by the Applicant to open accounts/avail loans, with his photographs affixed thereon. Photographs wherein Applicant is receiving delivery of vehicles, allegedly taken on the loans availed by opening accounts on forged documents, have also been appended to the status report. In light of this material, at this stage, prima facie, the active involvement of the Applicant cannot be ruled out.

16. It would be in this context, instructive to allude to the judgement of the Supreme Court in Centrum Financial Services Limited (supra) wherein the Supreme Court was in seisin of an appeal arising out of an order of the High Court allowing a bail application preferred by Respondent No.2 therein for offences under Sections 409/420/467/468/471 and 120B IPC. Appeal was filed by the original Complainant. From a reading of the judgment, it is apparent that as per the Status Report, a systematic fraud was committed by Respondent No.2 and others, siphoning off huge amount of Rs.25 crores through other shell companies, which were found to be fake and non-existent. Supplementary charge sheet had been filed on further investigation. The Supreme Court set aside the order of the High Court releasing Respondent No.2 on bail, observing that the High Court had not considered relevant factors including nature and gravity This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 04/03/2024 at 21:45:54 of accusation; modus operandi and the manner in which the offences were committed through shell companies and creating false/forged documents and/or misusing PAN Cards, Aadhar Cards and KYCs of employees showing them as Directors of fake shell companies. The Supreme Court observed that High Court ignored the Status Report and the evidence collected during investigation. Relevant paragraphs of the judgment are as follows:

"28. In Neeru Yadav v. State of U.P. (2016) 15 SCC 422 : (2016) 4 SCC (Cri) 647 , it is held by this Court in para 11 as under : (SCC p. 428) "11. It is a well-settled principle of law that while dealing with an application for grant of bail, it is the duty of the Court to take into consideration certain factors and they basically are : (i) the nature

of accusation and the severity of punishment in cases of conviction and the nature of supporting evidence, (ii) reasonable apprehension of tampering with the witnesses for apprehension of threat to the complainant, and (iii) prima facie satisfaction of the Court in support of the charge. (See Chaman Lal v. State of U.P., (2004) 7 SCC 525 :

2004 SCC (Cri) 1974)"

29. In Anil Kumar Yadav v. State (NCT of Delhi), (2018) 12 SCC 129 :

(2018) 3 SCC (Cri) 425, it is observed and held by this Court that while granting bail, the relevant considerations are:

(i) nature of seriousness of the offence;

(ii) character of the evidence and circumstances which are peculiar to the accused; and

(iii) likelihood of the accused fleeing from justice;

(iv) the impact that his release may make on the prosecution witnesses, its impact on the society; and

(v) likelihood of his tampering.

30. In Prahlad Singh Bhati v. State (NCT of Delhi), (2001) 4 SCC 280 : 2001 SCC (Cri) 674, it is observed and held by this Court that the jurisdiction to grant bail has to be exercised on the basis of well-settled principles having regard to the circumstances of each case and not in an arbitrary manner. It is observed and held as under : (SCC pp. 284-85, para 8) "8. The jurisdiction to grant bail has to be exercised on the basis of well-settled principles having regard to the circumstances of each case and not in an arbitrary manner. While granting the bail, the court has to keep in mind the nature of accusations, the nature of This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 04/03/2024 at 21:45:54 evidence in support thereof, the severity of the punishment which conviction will entail, the character, behaviour, means and standing of the accused, circumstances which are peculiar to the accused, reasonable possibility of securing the presence of the accused at the trial, reasonable apprehension of the witnesses being tampered with, the larger interests of the public or State and similar other considerations. It has also to be kept in mind that for the purposes of granting the bail the legislature has used the words "reasonable grounds for believing" instead of "the evidence" which means the court dealing with the grant of bail can only satisfy it (sic itself) as to whether there is a genuine case against the accused and that the prosecution will be able to produce prima facie evidence in support of the charge."

31. Applying the law laid down by this Court in the aforesaid decisions to the facts of the case on hand and the grounds on which the High Court has released Respondent 2 on bail, we are constraint to observe that in the instant case while dealing with the application of the accused for grant of bail, the High Court has completely lost sight of the basic principles enumerated above. The High Court has not at all considered the *modus operandi* adopted by the accused in commission of serious offence of siphoning and/or transferring the huge sum to another company through shell companies. The High Court has also not taken into consideration the status report filed by the investigating officer in which in detail it has been pointed out how systematically the accused have committed the offence and misappropriated/siphoned off the huge sum through shell companies. Thus, it appears that the High Court has not adverted to the relevant considerations and has granted the bail mechanically by observing that the case arises out of a commercial transaction.

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36. From the aforesaid it emerges that while releasing Respondent 2 on bail, the High Court has not at all considered the relevant factors including the nature and gravity of accusation; the *modus operandi* and the manner in which the offences have been committed through shell companies and creating the false/forged documents and/or misusing the PAN cards, Aadhar cards and KYCs of the employees and showing them as Directors of the fake and shell companies. As observed hereinabove, the High Court has not at all considered and taken into consideration the status report and the evidence collected during the course of the investigation. Therefore, the impugned judgment and order [Jayant Kumar Jain v. State, 2020 SCC OnLine Del 2103] passed by the High Court releasing Respondent 2 on bail is unsustainable as the High Court while releasing Respondent 2 on bail has not exercised the jurisdiction judiciously and has not considered the relevant factors which are required to be considered while grant of bail."

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17. On somewhat similar facts, where the allegations against the Applicant were of opening Bank accounts on the basis of forged IDs, this Court in *Manoj Patel v. State of NCT of Delhi and Another*, 2023 SCC OnLine Del 6076, dismissed the bail application despite the fact that the charge sheet and the supplementary charge sheet had been filed, on a *prima facie* view that the material collected during investigation demonstrated active involvement of the Applicant and the forged documents, which included two Aadhar Cards bearing the same number but with different dates of birth, fortified the apprehension of the Prosecution that the Applicant was a flight risk. A similar view was taken by this Court in *Pradeep Kumar v. State of NCT of Delhi (Through SHO Special Cell)*, Bail Appln. 681/2023, date of decision: 24.11.2023, and relevant paragraphs are as follows:

"11. The facts reveal that the Debit Card used for withdrawal of the alleged cheated amount over the course of several transactions has been recovered from the possession of the applicant. Additionally, 2 mobile phones out of the others which

were used at the time of commission of the alleged offence have also been recovered from the possession of the applicant. Further, an unexplained amount of Rs.1.8 lakhs has also been recovered from the possession of the applicant. Not only that, the Debit Card used by and which was recovered from the possession of the applicant and the location of the aforesaid 2 mobile phones are also matching with each other to confirm, as of now, that the applicant was very much involved in the commission of offence. Moreover, the photograph(s) on the ID of the applicant and on the 2 aforesaid mobile phones so recovered from the applicant are matching with each other. Thus, the Debit Card, the mobile phones and the cash recovered have a major part to play in the present FIR and their connection with the applicant, prima facie, casts a shadow of doubt upon the applicant. Furthermore, considering that a substantial alleged cheated amount is yet to be recovered, custodial interrogation of the applicant cannot be dispensed with and is very much required, at this stage.

12. The fact that two other co-accused are still untraceable leads this Court to conclude that the applicant can be flight risk and/ or if released on bail, the ongoing investigation might be derailed and hampered. In light of the aforesaid, this Court does not see any reason for granting bail to the applicant herein, at this stage.

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13. Even otherwise, this Court, while considering granting bail to an accused like the applicant has to note the following factors laid down by the Hon'ble Supreme Court in *Prasanta Kumar Sarkar vs Ashis Chatterjee* (2010) 14 SCC 496; *State of Uttar Pradesh vs Amaramani Tripathi* (2005) 8 SCC 21 and *Deepak Yadav vs State of Uttar Pradesh* (2022) 8 SCC 559:-

a. whether there is any prima facie or reasonable ground to believe that the accused had committed the offence; b. nature and gravity of the accusation;

c. severity of the punishment in the event of conviction; d. danger of the accused absconding or fleeing, if released on bail; e. character, behaviour, means, position and standing of the accused; f. likelihood of the offence being repeated; g. reasonable apprehension of the witnesses being influenced; and h. danger, of course, of justice being thwarted by the grant of bail.

14. Accordingly, in view of the facts as revealed and based on the legal position as above, the present application is dismissed."

18. The mere fact, that charge sheet and supplementary charge sheet have been filed, cannot be a singular factor to admit the Applicant to regular bail. The allegations in the present FIR against the Applicant are of forging and fabricating identify proof documents, such as, Aadhar Cards and PAN Cards. It needs no reiteration that forgery of such documents, which relate to an identity of a citizen of our country, can have very serious consequences. Court cannot gloss over the allegations that the Applicant has on several occasions impersonated and forged Aadhar cards along with co-accused Navneet Prajapati at the Aadhar Facility Centre run by the latter. Trial is at the initial stage and it is a categorical stand of the State that Applicant is a flight risk and may not be available to face the trial and/or receive sentence, if convicted and with his alleged expertise to forge identity documents, it is likely he may commit a similar crime, if enlarged on bail.

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19. Observations of the Supreme Court in Sanjay Chandra (supra), heavily relied upon by the learned Senior Counsel for the Applicant are a binding dictum and the Applicant is right in contending that primary purpose of a bail is to relieve the Accused of imprisonment and relieve the State of the burden of keeping him pending the trial and indefinite incarceration is violative of Article 21 of the Constitution. It is equally settled that apart from seriousness of the charge, severity of the punishment for a given offence is a relevant factor. To the extent of these propositions of law, reliance by the learned senior counsel on the aforementioned judgements of this Court is correct. However, as held by the Supreme Court in Centrum Financial Services Limited (supra), the nature and gravity of accusation and the modus operandi of committing the offence, particularly, creating false/forged documents and misusing PAN Cards/ Aadhar Cards, etc., have to be kept in mind while exercising jurisdiction to consider an application for bail. In Virupakshappa Gouda and Another v. State of Karnataka and Another, (2017) 5 SCC 406, the Supreme Court observed that each case depends on the nature of the crime and the manner in which it is committed and referred to a judgment of the Supreme Court in Chaman Lal v. State of U.P. and Another, (2004) 7 SCC 525, wherein it was held that amongst other factors, prima facie satisfaction must be accorded by the Court in support of the charge. As held in Prasanta Kumar (supra), amongst other circumstances, likelihood of the offence being repeated; character/behaviour/means/position of the Accused must be taken into account apart from the reasonable apprehension of the Accused fleeing from justice or influencing witnesses. Therefore, seen holistically, this Court is not inclined to release the Applicant on bail, at this stage, when the trial is at a nascent stage.

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20. Application is accordingly dismissed.

21. It is made clear that the observations made in the present order should not be construed as an expression on the merits of the case and have been made only for the purpose of deciding the present bail application.

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