



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

% **Reserved on : 15.09.2023**
Pronounced on : 06.10.2023

+ **BAIL APPLN. 3355/2022**

RAJEEEV KUMAR YADAV Petitioner

Through: **Mr. R. C. Tiwari and Mr. Subhash Chand, Advocates.**

versus

STATE OF NCT DELHI Respondent

Through: **Ms. Nandita Rao, ASC for the State and Mr. Amit Ahlawat, APP for the State with Insp. Ranvir Singh, PS Lajpat Nagar.**

CORAM:
HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

RAJNISH BHATNAGAR, J.

1. The present bail application has been filed by the petitioner under Section 438 Cr.P.C. seeking anticipatory bail in case FIR No. 268/2018 under Sections 420/468/471/120B IPC registered at Police Station Lajpat Nagar.

2. Learned counsel for the petitioner submitted that petitioner has been falsely implicated in the present case. He further submitted that the petitioner has joined the investigation in response to the notice issued under Section 41A Cr.P.C. to him. He further submitted that



petitioner has not been named in the FIR and he is neither directly nor indirectly involved in the present case, moreover, he has been implicated in this case solely on the basis of the disclosure statement of the co-accused, namely, Rajendra Mehto. He further submitted that petitioner has not received any amount and he has never met with the complainant.

3. On the other hand, learned ASC for the State, at the outset, submitted that the allegations against the petitioner are grave and serious in nature and in a well hatched conspiracy with his co-accused persons, he has cheated the complainant to the tune of Rs. 48 lacs for getting six (06) persons employed in SAIL. She further submitted that though the petitioner has joined the investigation, but he throughout the investigation remained evasive and has not given proper replies to the queries raised. She further submitted that the proceedings under Section 82 Cr.P.C. have already been initiated against him. She further submitted that during the interrogation, Rajendra Mehto, one of the co-accused persons, had disclosed that the cheated amount was obtained in the name of Narender Singh Tomar by one Prakash Paswan with the help of the present petitioner by using fake documents. She further submitted that petitioner was working in Bokaro Steel and all the forged documents related to SAIL were created by the petitioner and co-accused Prakash Yadav and all these documents were signed by the present petitioner She further submitted that fake stamps were also



arranged by the petitioner. She further submitted that the petitioner along with other conspirators has even got these candidates, who were alleged to be appointed by them in SAIL, medically examined in General Hospital, Bokaro and in fact this medical examination was also a farce. She further submitted that even fake appointment letters were issued to these candidates and when these candidates enquired about their appointment in SAIL, no record of their appointment was found there, furthermore, all the medical documents and joining letters issued by the petitioner and his associates were forged and used as genuine to induce the complainant and his friend and in the said process, they defrauded these candidates in the name of providing employment in SAIL. She further submitted that petitioner has introduced himself to the complainant as Abhishek that is why his name is not featuring in the FIR but he has been identified by the complainant whom he used to meet as Abhishek.

4. Heard.

5. In the instant case, as per the submissions of learned ASC, the proceedings under Section 82 Cr.P.C. have already been initiated against the petitioner. The petitioner is under interim protection granted to him by this Court. As per the status report, the petitioner has joined the investigation but he did not cooperate and has given evasive replies. It is seen that when the accused persons are under interim protection, the cooperation provided by them is not to the fullest. Furthermore, the



petitioner has intention to cheat since inception which is evident from the fact that he had introduced himself as Abhishek to the complainant. One more person, viz., Purushotam Deshwal, who is father of one of the cheated candidates, has identified the petitioner as Abhishek and for this reason, his original name did not surface in the FIR. The petitioner and his co-accused in a well hatched conspiracy have cheated six (06) gullible young boys by showing them rosy picture by giving them employment in SAIL, Bokaro. The petitioner, according to the prosecution, has provided technical and logistical support by preparing forged documents and fake rubber stamps. Further, the petitioner was instrumental in getting the account opened in the name of co-accused Narender Singh Tomar through impersonation.

6. In the present case, the petitioner and his co-accused have managed to somehow get the medical examination of six (06) candidates done at General Hospital, Bokaro and how it was done and as to whether any hospital staff was also involved with them in getting medical examination of these candidates done are yet to be ascertained. Furthermore, the medical examination was done by one fake Dr. Rajendra Nath (M.S.Ortho), however, no such doctor is in the employment of the above said hospital.

7. Moreover, this is a case where custodial interrogation of the petitioner is very much required to unearth the modus operandi and the



fact that how General Hospital, Bokaro was utilized by the petitioner and his co-accused persons.

8. Therefore, looking into the entire circumstances of this case; the gravity of the offence; the modus operandi applied by the petitioner and his co-accused persons and the fact that the proceedings under Section 82 Cr.P.C. have been initiated against the petitioner, no ground for anticipatory bail is made out. The bail application is, therefore, dismissed.

9. Nothing stated hereinabove shall tantamount to the expression of any opinion on the merits of the case.

RAJNISH BHATNAGAR, J

OCTOBER 06, 2023

P