

**Bail Application No. 1645/2024**  
**BOBI Vs. STATE**  
**FIR No. 680 /2024**  
**PS Sultan Puri**  
**u/s 420/468/471 IPC**

**04.10.2024**

Present: Sh. Gyanendra Kumar Mishra, Ld. Addl. PP  
for State.  
Sh. Neeraj Dahiya, Ld. Counsel for accused/  
applicant.  
Complainant with Ld. Counsel Sh. Satyanarayan  
Sharma.  
IO Inspector Sukhram Pal in person.

1. Fresh vakalatnama filed on behalf of the accused/applicant. Same is taken on record.
2. This is the application u/s 482 BNSS moved on behalf of applicant/accused **Bob**i for grant of anticipatory bail.
3. Additional reply filed by the IO. Copy supplied.
4. The present application was filed on 23.08.2024 which was heard on 24.08.2024. Vide separate orders till date, the accused was granted interim protection from coercive steps subject to joining of investigation by her and co-operation in the investigation. The present application would be disposed off finally vide this order.
5. Ld. Counsel for accused/applicant submitted that it is a false FIR against the applicant which was got registered by misusing the provisions of section 156(3) Cr.P.C. by the complainant. It is submitted that the application u/s 379 BNSS has been moved against the complainant before the Ld. Magistrate and the necessary proceedings has been started on that application.

6. Ld. Counsel for accused vehemently argued that the complainant mischievously filed the petition u/s 156(3) Cr.P.C. before the Ld. MM by mentioning the wrong application number of the certificate in question which was got issued from U.P. on the basis of which, the certificate was applied before the concerned authority in Delhi and the certificate was issued later on from concerned official of Delhi. It is submitted that when the wrong application number was mentioned by the complainant then the report given by the concerned authority in U.P. that the record is not available from that number would not be of any consequence. It is submitted that when the record was sought from the correct application number during the preliminary inquiry made during the application u/s 156(3) Cr.P.C., the report was received the certificate is true and genuine and this was mentioned by Ld. MM in the order for the application u/s 156(3) Cr.P.C.
7. It is further submitted by Ld. Counsel for accused/applicant that the complainant has filed the election petition bearing No.EP-01/2022 in the year 2022 challenging the election of the applicant/accused which is pending in the court of Ld. ADJ which is now fixed for respondent evidence. It is submitted that the entire record qua the certificate in question was summoned during the recording of testimony of the witnesses in that election petition and now nothing remains for the

IO to conduct the investigation. It is submitted that when the entire record has already been produced before the court of Ld. ADJ then there is no scope of any tampering of record or influencing the witnesses.

8. Ld. Counsel for the complainant, who is assisting Ld. Addl. PP for the state, vehemently argued that the order on the application u/s 156(3) Cr.P.C. was passed by Ld. MM considering two contradictory reports for the same certificate issued by the same authority and in these circumstances, there is requirement of custodial interrogation of the accused. It is stated that revision petition filed against order of application u/s 156(3) Cr.P.C. was also dismissed.
9. It is submitted that the investigating officer has filed the reply again to the effect that the applicant/accused is not co-operating in the investigation completely as the applicant till date has not provided documents on the basis of which the certificate in question was got issued from the concerned authority.
10. Ld. Counsel for complainant further argued that the level of influence of the applicant is such that now when the complainant moved various RTIs to the department as to how the certificate was issued but no reply is being received.
11. Ld. Counsel for complainant further argued that the applicant has dented this spirit of the Constituion of India as he fought the election from that seat which

was reserved for specific community. It was argued that a false certificate was filed alongwith the nomination form of the election and that amounts to the fraud not with anyone community rather with every person of the state.

12. IO submitted that the applicant not co-operated in the investigation since the most crucial information i.e. documents on the basis of which the certificate was got issued from Gautambudh Nagar, UP has not been provided by the accused/applicant despite various opportunities. IO submitted that the applicant very smartly placed the entire responsibility upon her late mother by submitting that the certificate in question was applied by her mother and since her mother got expired, she cannot answer as to what documents were annexed with the application form. It is submitted by the IO that several other aspects came up in the investigation including the fact that the applicant got issued two election I-cards with two different dates of birth and there are several other factors also for which the custodial interrogation of the accused is required.
13. During the course of the arguments, several queries were put to the IO which would be referred in this order.
14. I have heard arguments advanced by Ld. Counsel for accused/applicant, Ld. Counsel for complainant, Ld. Addl. PP for the state and IO. The records have been perused carefully.

15. The present case was registered as per directions passed by Ld. Magistrate on the application u/s 156(3) Cr.P.C. In brief, the allegations against the applicant is that the applicant represented herself to be of a particular community and got caste certificate issued to that effect from the office of Tehsildar, Dadri, Gautambudh Nagar, U.P. It is alleged that the caste certificate was got issued by the applicant illegally on the basis of false documents.
16. IO has mentioned in the report which was filed on 10.09.2024 that the certificate in question was got verified from the office of Tehsildar, Dadri and the same was found to be issued from the office of the authority concerned but the documents on the basis of which the certificate was issued not provided by the applicant.
17. The notice u/s 94 BNSS was served upon the Tehsildar concerned to provide the necessary documents as to the certificate in question but the reply was given that the documents must be with NIC.
18. The NIC replied to the notice issued by the IO by providing three papers out of which two were completely blurred and one was the photograph of the applicant. The NIC was contacted again but the reply was given that the documents available were already provided.
19. Till this stage, it is came on record that except the photograph of the applicant, the documents which

were uploaded in support of the application were completely blurred. These documents have been shown by the IO and they are completely illegible. This document prima facie reveals that deliberately completely illegible documents were uploaded.

20. The accused was interrogated as to the documents which were uploaded at the time of submitting the application form for getting the caste certificate issued but the applicant very conveniently put the entire responsibility upon her late mother by stating that the certificate was applied on her behalf by her mother and only her mother can answer as to what were the documents which were uploaded.
21. The issue faced by the investigating agency is that the mother of the applicant already expired and accordingly, the identification of the blurred/illegible documents cannot be established. The observation is to be made here that in the year 2017, when the caste certificate was applied the applicant was admittedly major. If the certificate was applied online for the applicant then it is not possible that the applicant did not apply for that certificate. This is a reply of the applicant just to avoid interrogation on the crucial aspects.
22. The equally sterling fact is that it is reported by the IO that when the notice was issued to Ranvir Sharma, the then Patwari/Lekhpal who allegedly conducted local inquiry in Santosh Nagar Colony Village Tilpata as to the caste of the applicant, he reported that he did not record any of the statement

of the concerned persons who told him that applicant belongs to a particular community. This type of inquiry cannot be said to be done as per mandatory requirements when there is no statement of any person who supported the averment of the applicant as to whether he belongs a specific community or not.

23. The concerned Tehsildar was also served with the notice u/s 94 BNSS on 17.09.2024 and 25.09.2024 but he avoided to give any reply, as per report of the IO but later on, a reply was received by stating that the documents which the applicant uploaded alongwith the application not available at Tehsil level. This reveals that some illegible documents were uploaded on the website, surprisingly those illegible blurred documents were got verified by the Patwari and he completed the inquiry without recording any statement of any person and Tehsildar just issued the certificate. The above mentioned procedure reveals that the rules were blatantly flouted by the concerned authorities.
24. To the query of the court, it is submitted by the IO that the applicant did not provide any document whatsoever as to her residence or residence of her family at any point of time at the place at Gautambudh Nagar, U.P. from where the certificate in question was got issued. Ld. Counsel for accused admitted that there is no document as to residence proof with the applicant. This reveals that the applicant does not have any election ID card,

Aadhar card, electricity bill, water bill etc in her name or her family member as to her ever residence in U.P. This fact also raising question mark upon the inquiry conducted by the officials of U.P. from where the certificate was got issued by the applicant.

25. Another fact which came on record is that the applicant got issued two election ID cards from Delhi by mentioning two different dates of birth. The photocopies of these ID cards have been placed on record. In one election ID card, the date of birth was got mentioned as 12.02.1982 and in another one, it was 01.01.1983. This is again worth consideration.
26. Moreover, IO has filed on record the copy of election ID card of the father of the applicant, Aadhar card of mother of the applicant, death certificate of the father of the applicant, death certificate of mother of the applicant, election ID card of the applicant and the Aadhar card of the applicant and all of them were got issued from 1995 till 2024 at different point of time but from Delhi only wherein the residential address of Delhi is mentioned. If for around two decades, the house of the family of the applicant was in Delhi then it also again raises cloud of dobut as to ever residence of applicant in U.P.
27. The manner in which the blurred and illegible documents were uploaded at the time of submitting application form and the rules which were flouted

by the concerned authorities at Gautambudh Nagar, U.P. in issuing the certificate reveals that it could be a big nexus in which several persons were involved.

28. Moreover, the applicant not co-operated in the investigation by not providing the documents or the details of the documents which were uploaded at the time of submitting application form despite the interim protection from arrest granted by this court for more than a month. The manner in which the certificate was obtained which reveals involvement of various persons at various levels including govt. officials, this court is of the considered opinion that the applicant is not entitled to anticipatory bail since her custodial interrogation is mandatory to unearth complete facts and evidences. Accordingly, **the present application is hereby dismissed.**

29. It is clarified that nothing mentioned hereinabove shall tantamount to expression of opinion on merits of this case.

30. Copy of this order be given to Ld. Counsel for the accused and copy be also sent to IO/SHO concerned for information through Bail Section.

**(KAPIL KUMAR)**  
**ASJ (Spl. FTC) : North-West**  
**Rohini Courts / Delhi /04.10.2024**