SC No.104/2025
FIR No.374/2023
State vs Ankit Jain
PS Gazipur
U/s 419/420/467/468/471/120B/34 IPC

03.03.2025

Present: Sh. Sobit, Ld. Substitute Addl. PP for the State.
None for applicant/accused.

This is the second bail application U/s 482 BNSS seeking grant of anticipatory bail to the applicant/accused Ankit Jain.

Reply to bail application already filed.

Written submissions to the bail application have been filed by the Ld. Counsel for complainant.

Written submissions have also been filed on behalf of applicant/accused. Reply to the written submissions of Ld. Counsel for applicant/accused filed by the IO.

Arguments have already been heard on the bail application.

It is submitted by the Ld. Counsel for applicant/accused that applicant/accused is innocent and has been falsely implicated in this case. It is submitted that the applicant is neither the executor nor a party or witness to any of the document qua the disputed property transactions as mentioned in the FIR. It is further submitted that applicant/accused is not a direct beneficiary of entire transaction. He further submitted that Rs.7 lakhs as mentioned by the IO have been received by the applicant/accused through a firm M/s Satya Shree Infrastructure

LLP of Ghaziabad, UP. His second argument is that the applicant/accused is running a shop in Uttam Nagar, in the name of 'Sachin Telcom' which is in the business of facilitating the persons who apply for Adhar Card, PAN Card etc. It is further submitted that the applicant/accused has only facilitated the application for Pan Card which was declined, in another words, upon his application no PAN card was issued. It is further submitted that the applicant is a businessman having deep-roots in the society and is having no criminal antecedents. It is also submitted that the main accused as well as co-accused persons have already been granted bail by the Ld. Sessions Court on dated 02.02.2024 and 13.09.2024. It is further submitted that investigation qua the applicant/accused is complete and custodial interrogation of the accused is not required. It is also submitted that the applicant/accused is ready and willing to join the investigation as and when required by the IO. It is also submitted that the case of the applicant/accused is exclusively covered by the case of ***Arnesh Kumar vs State of Bihar (2014) 8 SCC 273***. Thus, it is prayed that the applicant/accused may be enlarged on bail. In support of claim and contentions, Ld. Counsel has further placed reliance upon the judgment reported *Siddharam Satlingappa Mhetre vs State of Maharashtra (2011) 1 SCC 694 and Gurbaksh Singh Sibbia vs State of Punjab (1980) 2 SCC 565.*

Ld. Addl. PP, on the other hand, has vehemently opposed the bail application stating that the allegations against the applicant/accused are grave and serious in nature. It is further submitted that the applicant is involved in the impersonation of Chetna Arora as Sneh Prabha as accused Satbir Singh was contacted by the applicant/accused for a lady to transfer a property. It is further submitted that the applicant/accused is involved in the creation of forged documents of Chetna Arora in the name of Sneh Prabha to impersonate her and in fact it was the Applicant/Accused who applied for the fake PAN card to be made in the name of Sneh Prabha of the imposter i.e. Chetna Arora. It is further submitted that the applicant is one of the important part of conspiracy as he is beneficiary of the equitable mortgage loan obtained from Bank of Baroda on the basis of fake documents of the property in question. It is further submitted that the applicant is beneficiary of forged loan transactions and had received total Rs.7 lakhs in his account (Bandhan Bank) out of Rs.50 lakhs loan/OD account routed through account of a firm M/s Satya Shree Infrastructure LLP of Ghaziabad and Rs.4 laksh were received in cash. It is further submitted that the custodial interrogation of the applicant/accused is required to unearth the complete conspiracy of the case i.e. who is involved in the creation of the forged documents of the property in question on the basis of which loan was granted by the bank. It is also submitted that out of amount received by the applicant, Rs.1.45 lakh was given to the accused Satbir Singh who arranged meeting with the accused Chetna Arora @ Sneh Prabha. It is further submitted that applicant/accused is involved in four other cases of similar nature of offence and it is vehemently submitted that the benefit of Anticipatory bail is not for the people like Applicant/Accused who are habitual offenders. Hence, the present bail application of the applicant may be dismissed.

In rebuttal regarding forged PAN card, Ld. Counsel for applicant/accused submitted that applicant/accused was doing facilitating service for application of Adhar/Pan Card etc. It is further submitted that though the PAN card was applied by the accused but said application was got rejected.

In his reply, IO also submitted that efforts were made to apprehend the applicant/accused Ankit Jain but he was not found available at his address. It is further submitted that notice U/s 41A Cr.P.C was given to applicant/accused but he did not join the investigation. IO also submits that on inquiry, it was revealed that the PAN card was issued on the same application which was applied by the applicant/accused.

Heard the rival submissions of Ld. Addl. PP as well as Ld. Counsel for applicant/accused.

As per the investigation so far, the role of Applicant/Accused is that he contacted one Satbir Singh and told him to arrange a lady who can impersonate Sneh Prabha and the property can get registered. Thereafter, a meeting with Chetna Arora was arranged and her documents were also applied by the Applicant/Accused. He also, as per the reply of the IO, received a part of proceeds of crime out of which Rs 1.45 Lakhs were given to co-accused Satbir Singh. The Anticipatory bail Applications of all the Accused persons were rejected and they were released later on. In addition, the Applicant/Accused does not have clean antecedents and is involved in 4 offences of similar nature. If the Applicant/Accused is granted anticipatory bail, the chances of him indulging in similar offence in future cannot be ruled out. Also, this court also has to take into account the unequivocal submissions of IO and the Ld. Addl. PP that the custodial interrogation is required to unearth the exact nature and magnitude of the conspiracy in which various other people may be involved.

Considering the nature of the offence, totality of circumstances, the role attributed to the Applicant/Accused, the fact that the Applicant/Accused does not have clean antecedents and is involved in offences of similar nature and the investigation qua the Applicant/Accused is not complete, this Court is not inclined to grant anticipatory bail to the Applicant/Accused in this case and hence the same stands dismissed.

Dasti order be given to Ld. Counsel for applicant.

Ashish Rastogi

Digitally signed by Ashish Rastogi
Date: 2025.03.03 16:26:21 +0530

(Ashish Rastogi)
Addl. Sessions Judge -05
KKD/East/03.03.2025