

Bail Application no.2193/22
FIR no.327/22: PS Special Cell
Under Section:420/468/469/471/120B/411/201 IPC
and 66C/66D IT Act
State Vs. Satish Saini

21.12.2022

Present: Sh.Ashok Kumar, Ld. Addl. PP for the State.
Sh. Kanhaiya Singhal, Sh. Udit Bakshi, Sh. Jasmeet Singh, Prasanna and Ms. Priyal Garg, Ld.counsel for the applicant/accused Satish Saini.
IO/Inspector Devender in person.

This is the bail application under Section 439 Cr. PC moved on behalf of applicant/accused Satish Saini.

Reply to the bail application by investigating officer filed.

Arguments heard. Record perused.

Brief facts: The present case was registered on the complaint of Mr. Ravindra Panwar, Project Mangaer, NIC SMS Team, Shastri Park, Delhi. It is alleged that NIC SMS team received an email that some SMS(masquerading under NIC SMS Header) has been sent with a job offer to many users. The sender of the SMS had misused the government SMS header NICSMS and registered SMS template. Accordingly case was registered and investigation was carried out. During the course of investigation secret information was received that the applicant/accused Satish Saini has secret DLT data and he is trying to sell the same to other persons. Accordingly raid was conducted and the applicant/accused was arrested and on examination of laptop and other articles about 50 lac secret IDs registered/approved with DLT including the secret IDs i.e. MHACIS, GSTNIN, Adhar and about personal data of 50 crore Indian citizen was recovered.

It is submitted by ld.counsel for the applicant/accused

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that the investigation has miserably failed to attribute any role to the applicant/accused in sending the alleged SMS using the NICSMS header. That the investigating agency has illegally searched the office of applicant/accused. That notice under Section 41A Cr. PC has not been served in compliance of directions of Hon'ble Apex Court. That the investigation qua the applicant/accused is already complete and the applicant is not required for custodial interrogation. That the applicant is sole bread earner of the family, having deep roots in the society and not a flight risk. It is therefore prayed that looking at the period of custody and the fact that the applicant/accused is not required for custodial interrogation, he may kindly be enlarged on bail.

On the other hand bail application is strongly opposed by Ld. Addl. PP for the state. It is argued that looking at the gravity of allegations, bail application may kindly be dismissed.

I have considered the submissions made by Ld.counsel for the applicants/accused persons and Ld. Addl. PP for the state.

The applicant/accused is in JC since 10.11.2022. The investigation qua the applicant/accused is already complete and the applicant is not required for custodial interrogation. The applicant/accused is alleged to be having clean antecedents, having deep roots in the society and not a flight risk. Trial is going to take long time and the applicant/accused can not be kept behind the bars for indefinite period.

Taking into consideration the facts and circumstances of the case, period of custody already undergone and the fact that

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applicant/accused is not required for custodial interrogation, I am of the considered opinion that no useful purpose is going to be served by keeping the applicant/accused further in JC. **The applicant/accused Satish Saini is admitted to bail on furnishing bail bond in the sum of Rs.30,000/- with one surety in the like amount to the satisfaction of Ld. Trial Court/Ld.CMM/MM/Duty MM and subject to the following conditions:**

(a) The applicant/accused shall furnish to the Investigating Officer/ S.H.O., a cell phone number on which the applicant may be contacted at any time and shall ensure that the number is kept active and switched-on at all times;

(b) The applicant/accused shall not tamper with evidence nor otherwise indulge in any act or omission that is unlawful or that would prejudice the proceedings in the pending matter;

(c) The applicant/accused will not leave the country without prior permission of the court concerned.

With these observations the bail application moved on behalf of applicant/accused **Satish Saini** is disposed off.

Copy of this order be given dasti to Ld.counsel for applicant/accused.

**(Devender Kumar Jangala)
ASJ-05, New Delhi District
PHC, New Delhi/21.12.2022**