

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr.MP(M) No.932 of 2021

Decided on: 31st May, 2021

Archana Singh

.....**Petitioner**

Versus

State of Himachal Pradesh

.....**Respondent**

Coram

Ms. Justice Jyotsna Rewal Dua, Judge

Whether approved for reporting?¹

For the Petitioner: Ms. Ruchi Kohli, Ms. Shilpa Sood and Mr. Pronoy Chatterjee, Advocates.

For the Respondent: Mr. Anil Jaswal, Additional Advocate General with Mr. Amit Dhumal, Deputy Advocate General and Mr. Manoj Bagga, Assistant Advocate General.
(Through Video Conference)

Jyotsna Rewal Dua, Judge (Oral)

Mr. Anil Jaswal, learned Additional Advocate General waives service of notice on behalf of the respondent-State. Status report has been filed.

This petition arises out of FIR No.175/2020, dated 15.12.2020, registered under Sections 420, 465, 467, 468, 471 and 120B of the Indian Penal Code (IPC) and Section 66 of the Information Technology Act, at Police

¹ Whether reporters of print and electronic media may be allowed to see the order?

Station Barotiwala, District Solan. The petitioner has prayed for her enlargement on regular bail.

2. Heard learned counsel for the parties and gone through the status report.

3. Briefly, the facts of the case are that:-

3(i). A complaint was made to the Superintendent of Police, Baddi, by the Registrar, IEC University Kallujhinda, Tehsil Baddi, District Solan, about the use of fake website domain name www.iecuniversity.org in an illegal and unauthorized manner. Complainant submitted that a company named Ample Themes illegally created the above website using IEC University logo, which is the clone of official website of IEC University, i.e. www.iecuniversity.com. It was also stated that in response to the complainant's objections sent through letter dated 15.11.2019, the above named company replied that it was only a mock drill and the same would be removed. However, the company did not stop continuing with the illegal acts, rather the fake website also started showing data of students. The complainant apprehended that the company in question was practising deceit upon people by selling fake degrees and maligning the reputation of the

complainant-Institution. On the basis of this complaint, the FIR was registered on 15.12.2020.

3(ii). Investigation revealed that domain name www.iecuniversity.org was registered through website Godaddy.com on 11.09.2019 on payment. The payment was made using e-mail tnboschool@gmail.com. On tracking Internet Protocol (IP) address, it was found that Internet Service Provider (ISP) for the same was Excitel Broadband Private Limited, New Delhi.

3(iii). Further investigation revealed that tnboschool@gmail.com was used by one Bharti (co-accused) of Govindpuri, Kalkaji, New Delhi, whose user ID was 'bharti1262'. The police team visited this address. One Mohd. Saleem (another co-accused) and Bharti were found present at the spot and internet router/modem with MAC address was recovered from them, through which they used the internet of Excitel Company. Mohd. Saleem revealed that Bharti was his business partner and they had availed the services of Ainan Ahamed (co-accused) to create fake website of IEC University.

3(iv). Police team visited the residence of Ainan Ahamed at Noida and recovered 376 blank and 5 filled mark-sheets, 270 Holograms of IEC, Certificates from 78

Universities, cash amount of Rs.2,73,000/-, 165 stamps/seals, six stamp pads, two laptops and one mobile phone from him. During investigations, Ainan Ahamed, Mohd. Saleem and Bharti statedly disclosed that they had prepared fake website of not only the complainant-IEC University, but of various other educational institutions and had distributed fake degrees, certificates and mark-sheets in different States throughout the country. The above three accused persons were arrested on 04.02.2021.

3(v). During custodial interrogation, Ainan Ahamed statedly disclosed that he got fake degrees, diplomas and certificates printed through one Amjad S/o Sh. Haidar, resident of Shaheen Baag, Delhi. He also statedly disclosed that address and logo of IEC University were provided by one Hashnoor. Later on, it turned out that his real name was Manish Kumar (co-accused), resident of Fazilka, Punjab. Manish Kumar statedly ran a coaching institute at Fazilka and had disclosed his name as Hashnoor to Ainan Ahamed. Investigation revealed that Manish Kumar was involved in similar business of selling fake degrees. He was arrested on 08.02.2021 from Fazilka and fake mark-sheets, which he got prepared from Ainan Ahamed, were recovered

from him. Certain other incriminating articles were also recovered from him.

3(vi). During investigations, Ainan Ahamed got recorded his statement under Section 27 of the Indian Evidence Act that he ran the fake degree racket for quite some time. With the help and connivance of other accused persons, he got prepared about 25 fake websites of different universities. Using these websites and also using SMSs through mobile phone etc., he used to contact small coaching centres located in different States throughout the country, alluring them for fake degrees and got these fake degrees/mark-sheets printed by Amjad. Money received from the sale of fake mark-sheets and fake degrees was used to be received in the bank account of Archana Singh (bail petitioner), resident of Noida. As per the status report, investigation revealed transactions running into crores of rupees in the said bank account. All the accused persons used to do work in lieu of money. Petitioner was arrested on 14.03.2021.

3(vii). During investigations, Mohd. Saleem provided details of 32 fake websites allegedly got prepared by him at the instance of Ainan Ahamed with help of other accused persons. He also provided the backup data of 19 fake

websites, which contained PHP files, student/subject details, screenshots of posts, e-mail backup and database etc.

3(viii). In view of the fraud and deceitful acts committed by the accused persons in preparing and selling fake and fictitious degrees/mark-sheets of various educational institutions/universities throughout the country by using various fake websites, the Superintendent of Police, Baddi, District Solan requested the Inspector General of Police, South, Shimla to handover the further investigation to the State Intelligence Department.

4. Learned counsel for the petitioner submitted that the role alleged to the petitioner is very limited. Investigation in the matter is already complete. Challan stands presented before the Court of competent jurisdiction, therefore, custodial interrogation of the petitioner, a lady, is not required.

Whereas, learned Additional Advocate General vehemently opposed the bail petitions. He contended that serious allegations have been levelled against all the accused persons including the petitioner. There is sufficient evidence available on record against them of creating many fictitious domains and 25 fake websites of different

universities and various educational institutions throughout the country. Using these fictitiously created domains and fictitiously created websites, the accused persons have duped the students as well as sold fake diplomas/degrees/mark-sheets on the domain of these universities and in this process, the accused persons while maligning the reputation of these universities/educational institutions, have illegally earned crores of rupees. Learned Additional Advocate General further submitted that an earlier bail petition filed by the petitioner, being Cr.MP(M) No.641 of 2021, was dismissed as withdrawn vide order dated 8.4.2021. He further contended that many persons are still at large. SFSL report is still awaited. There is strong apprehension that the petitioner on being released on bail will influence the prosecution witnesses and will tamper the prosecution evidence.

5. After going through the documents on record, it appears that the fake degree racket is of an alarming magnitude as the transactions worth crores of rupees are found to have been made in the bank account of petitioner for her benefit and for benefit of the other accused persons. Petitioner has allegedly aided other accused persons in the racket of preparing and selling fake

mark-sheets/degrees/certificates. A racket of this size cannot be a handy work of few. In all probability, a number of coaching centre owners also seem to be involved besides many middlemen. Considering the fact that accused persons had created fake domains, fake website of not only the complainant-University, but of numerous other educational institutions/universities throughout the country and distributed/sold fake certificates of 78 Universities, bail petitions filed by co-accused persons were dismissed on 18.05.2021. During hearing, learned Additional Advocate General submitted that the matter is still being investigated from various angles. And that request has also been made to State Intelligence Department to come into picture for further investigation considering that fake mark-sheets and fake degrees of educational institutions located in different States of the country were prepared and sold. Involvement of various others cannot be ruled out at this stage. Therefore, at this stage, considering the sensitivity and seriousness of the charges levelled in the FIR as well as carefully looking the evidence collected by the investigating agency during investigations carried out thus far, release of the petitioner on bail will not be proper at this stage. Her influencing the

investigations, prosecution witnesses and prosecution evidence also cannot be ruled out at present.

Accordingly, the instant petition is dismissed alongwith pending miscellaneous application(s), if any. However, liberty is reserved to the petitioner to file fresh petition at an appropriate stage in accordance with law, if so advised.

It is made clear that observations made above are only for the purpose of adjudication of instant bail petition and shall not be construed as an opinion on the merits of the matter. Learned Trial Court shall decide the matter without being influenced by any of the observations made hereinabove.

Jyotsna Rewal Dua
Judge

May 31, 2021
Mukesh