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

+ BAIL APPLN. 2074/2018

MANISH BANSAL

..... Petitioner

Through

Mr. Bansuri Swaraj with Mr.
Siddhesh Kotwal, Mr. Raghunatha
Sethupathy, Mr. Gagan Narang and
Ms. Arshiya Ghose, Advocates.

versus

STATE OF N.C.T. OF DELHI

..... Respondent

Through

Mr. Amit Chadha, Addl. PP for the
State with SI Thakur Singh, PS
Chandani Mahal.
Mr. Kamal Kumar Ghai, APP for the
State.

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

% **05.09.2018**

Crl.M.A. No.31411/2018 (exemption)

Exemption is allowed subject to all just exceptions.

BAIL APPLN. 2074/2018

1. The petitioner seeks bail in FIR No. 145 of 2018 under Sections 419/420/468/471/120B of the IPC registered at Police Station Chandni Mahal, Delhi.
2. Issue notice. Notice is accepted by learned Addl. PP for the State who prays for time to file status report.
3. Let the same be filed within one week.
4. List on 12.09.2018 before the Roster Bench.

5. Independent of the present bail application, an issue has come to light, which, in my view, requires consideration.

6. It is alleged in the FIR that the petitioner is owner of a mobile shop which, *inter-alia*, issues sim cards for new mobile connections and also undertakes verification and linkage of Aadhar for the existing connections. It is alleged that new connections were obtained in the name of individuals, who had come to the shop of the petitioner for Aadhar verification and linkage to their mobile numbers. Sim cards of these new connections were used by the co-accused for the purpose of committing fraud on individuals with regard to their LIC policies.

7. Learned counsel for the petitioner submits that the petitioner had no role in the aadhar verification process and it was the sole responsibility of the employee of the Telecom company who was deputed by the Telecom Company at the shop of the petitioner.

8. Learned APP under instructions from the Investigating Officer submits that the modus operandi that has surfaced in investigation is that for the purposes of Aadhar verification and linkage with the SIM card, the connections holder has to submit his documents and place his thumb on the bio metric machine. The person at the counter on the pretext that the thumb impression has not been obtained properly, the first time, asks the customer to place his thumb once again on the bio metric machine. When the thumb is placed the second time, the person at the counter, takes an authorisation for a fresh connection and uses a copy of his documents and issues a sim card in his name, but

keeps it with himself. This new connection sim card is then used for purposes of fraud.

9. Learned APP submits that similar modus operandi of misuse of the authentication process of the Aadhar has come to light in another case for which an FIR being FIR No.535/2017 under Section 420 IPC has been registered at Police Station Vasant Kunj North. He submits that the said FIR and accused in that FIR are not connected with the present FIR but the same is pointed out to highlight the misuse of the verification process.

10. The modus operandi that has surfaced during preliminary investigation in this case highlights a major loophole in the system, whereby fresh mobile connections can be issued in the name of an unwary customer, without his knowledge and consent by using his documents and bio metrics.

11. This loophole can not only have disastrous consequences for the said individual but also raises serious law and order issues and could have serious repercussions on the safety and security of the nation.

12. This issue needs to be examined by the agencies involved *inter alia* Ministry of Home Affairs, Ministry of Electronics and Information Technology, Unique Identification Authority of India, Cyber Cell of Delhi Police under the supervision of the Special Commissioner of Police and the Telecom companies.

13. In my view, this issue requires intervention of the court and should be taken up as a Public Interest Issue. Accordingly, the Registry is directed to place a copy of this order before Hon'ble The Chief Justice, on the administrative side, for consideration as to whether this issue needs to be taken up as a Public Interest Litigation on the judicial side.

14. Order *Dasti* under signatures of the Court Master.

SANJEEV SACHDEVA, J

SEPTEMBER 05, 2018

rs/st