

1

\$-18

07.10.2010

Present: Mr. Sheikh Israr Ahmad, counsel for the petitioner.
Mr. Navin Sharma, counsel for the State with Inspector
Vivek Maheashwari, EOW, Crime Branch.
Mr. Rishab Raj Jain, counsel for the complainant.

Crl. M.A. No. 16157/2010

Exemption allowed, subject to all just exceptions.

Bail Appl. No. 1651/2010

Notice.

Mr. Navin Sharma, Advocate accepts notice on behalf of the State and Mr. Rashab Raj Jain, Advocate accepts notice on behalf of the complainant.

The allegations against the petitioner are he alongwith his brother and 4-5 other co-accused entered into the conspiracy and siphoned off the sum of ₹4,61,04,558 from the saving bank account of Mrs. Pratibha Dev Sharma.

The modus operandi of the group was that they approached the bank and requested for change of address and phone number of the account holder and also change in the SMS Alert facility, E-mail etc. Thereafter, they procured the cheque-book on the changed address with the help of their associate one Komal posing as the actual account holder. Mrs. Pratibha Dev Sharma is an NRI and she is living in U.K. Her local address given with the Bank was of Greater Kailash but the petitioner through his female associate got this address changed to

Signature Not Verified

Digitally Signed By: AMULYA
Certify that the digital file and
physical file have been compared and
the digital data is as per the physical
file and no page is missing.

Noida and ordered the Bank to get the cheque-book issued at the new address. It is further alleged that the petitioner in connivance with other co-accused opened the bank accounts in the name of fake firms at Khari Baoli and encashed the cheques through the bank accounts of these fake firms. In this way, the aforesaid amounts were being withdrawn from the account of Mrs. Pratibha Dev Sharma and transferred in the accounts of the fake firms.

It is further alleged that the petitioner had helped one Ms. Meenu Matharu in getting the loan from the bank. She was also an NRI and resident of U.K. After getting her loan facility from the bank, the petitioner retained her documents of identity and procured one telephone connection of Tata Indicom on the basis of documents of identity of Ms. Meenu Matharu and the calls were made from the said telephone connection in the name of Meenu Matharu. When the location was traced, it was found that those calls were made from the residential address of the petitioner at Virender Nagar near Tilak Nagar.

As per the disclosure statements made by other five co-accused persons, it is categorically mentioned that they have acted at the instructions of the petitioner and his brother and all the amounts which were transferred to the account of fake firms were withdrawn from the account of Mrs. Pratibha Dev Sharma and the said amount was later taken by the petitioner and his brother. In this manner, the petitioner and other 6 co-accused persons siphoned off the sum of ₹4,61,04,558 from the bank account of Mrs. Pratibha Dev Sharma.

3

Heard.

Keeping in view the serious allegations levelled against the petitioner, no ground is made out for grant of anticipatory bail to the petitioner.

There is no merit in the petition. The same is, therefore, dismissed.



S.L.BHAYANA,J

OCTOBER 07, 2010

Kt