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

\+ BAIL APPLN. 2186/2016

VIVEK KUMAR

..... Petitioner

Through: Mr. Harshit Jain, Advocate

versus

STATE

..... Respondent

Through: Mr. Rajat Katyal, APP with Insp. Parveen Kumar, EOW

**CORAM:**
**HON'BLE MR. JUSTICE VIPIN SANGHI**

**<u>O R D E R</u>**

% **30.11.2016**

The petitioner has preferred the present application under Section 439 Cr PC to seek regular bail in case FIR No.105/2014 under Section 420/406/468/471/120B/34 IPC registered at PS EOW. The petitioner is in judicial custody since 17.09.2014. The charge sheet has already been filed. The stage of the case is that five prosecution witnesses have been examined completely. Out of the 7 victims, the examination in chief of 3 of them have been conducted, and the next date of hearing is 17.12.2016.

The case has been registered on the complaint of the complainant Rakesh Miskeen, who alleged that he was contacted through SMS regarding consultancy for medical admission for his daughter. He contacted the firm

Prime Consultant run by Manav Mitra and assisted by the petitioner and three others. The accused allured the complainant to pay Rs.20 lacs. After few meetings, the complainant made the payment of Rs.20 lacs to secure admission of his daughter in MBBS course. The complainant alleged that no admission was granted and the accused ran away and switched of their mobile phones. They also vacated their office taken on rent.

As per the investigation, the petitioner and the co-accused Karishma went to the residence of the complainant and collected Rs.20 lacs in cash from him for admission of his daughter to the MBBS course. The petitioner fixed his thumb impression on the receipt of Rs.20 lacs. According to the status report, the said thumb impression has been got verified and it is certified that the same is identical to the thumb impression of the petitioner. The status report points out that the petitioner was actively involved with the main accused Manav Mitra as he had travelled to Ahmednagar, Mumbai and Kolkata for allurement of other victims on the pretext of getting them admitted to the MBBS course. The mobile phone of the petitioner and walky talky installed at the office has been recovered. The mobile phone of the petitioner has been found to contain important information as well as evidences. The FSL report in respect of the said mobile phone has been received, which contained the images of school certificates of daughter of the complainant, images of document relating to another victim Ajeet Kumar Sindhwani and also images of cheques signed by the main accused Manav Mitra, which strengthens the role of the petitioner in the aforesaid racket. Some of the other victims who have been cheated in the similar manner are Naresh Chhikara (cheated amount 14.50 lacs); Rajbir Rohila (cheated amount 32 lacs); Guljari Lal (cheated amount 10 lacs) and Ajit

Kumar (cheated amount 12.50 lacs). One of the other victim Naresh Chhikara stated that a part of the amount Rs.6 lacs was given to the main accused in the presence of the petitioner in Kolkata.

The submission of learned counsel for the petitioner is that the petitioner has been in judicial custody for more than two years; the charge sheet already stands filed, and; the recording of the prosecution evidence may take more time, there is no need for the continued custody of the petitioner. He submits that the petitioner had no role except in the transaction relating to receipt of Rs.20 lacs from the complainant even according to the case of the prosecution.

On the other hand, Mr. Katyal submits that the involvement of the petitioner is deep and he was very actively involved in the entire racket with the main accused and was participating in the said racket continuously. Moreover, the examination of the victims is underway and there is every likelihood of the petitioner absconding and even influencing the victims and other witnesses particularly the public witnesses.

Having heard learned counsel and perused the record, I am not inclined to grant bail to the petitioner at this stage. The extent and nature of involvement of the petitioner appears to be serious and deep. It appears from the status report that the accused persons had shut shop and were on the run after having cheated the complainant. Thus, the petitioner has the propensity to again evade the law and there is every likelihood that he may run away if released on bail. Moreover, the examination of the victims and public witnesses is underway and the possibility of the petitioner seeking to pressure, coerce and influence them cannot be ruled out.

The bail application is, accordingly, dismissed. However, the Trial Court is directed to expedite the recording of evidence particularly of the independent witnesses and victims without any delay.

**VIPIN SANGHI, J**

**NOVEMBER 30, 2016**

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