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

\+ BAIL APPLN. 2381/2016

AKASH GUPTA ..... Petitioner

Through: Mr. B.S. Rana, Satyam Sisodia and Nitish Kumar, Adv.

versus

STATE (NCT OF DELHI) ..... Respondent

Through: Mr. Mukesh Kumar, APP with SI Anuj, PS Mayur Vihar

CORAM:
HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER

% **20.02.2017**

The petitioner seeks regular bail in case FIR 266/2016 under Section 406/420/34/467/468/471/120B IPC registered at PS Mayur Vihar. The petitioner has been in custody since 06.07.2016. The charge sheet has also been filed in the case.

The submission of learned counsel for the petitioner is that the co-accused Himanshu Sharma and Neeraj Chauhan have been admitted to bail. The bail application has been dismissed by the learned ASJ only on the ground that the petitioner is involved in another case FIR 306/2016. However, in the said case the petitioner is already on bail.

The status report filed by the State discloses that the complainant and is father had purchased three insurance policies. However, the said policies had lapsed on account of non payment of premium. The complainant received the first call on 08.03.2016 from a disclosed mobile number. The caller claimed himself to be Rajiv Mishra. He claimed that he had received the complainants number from "Beema Lokpal, Government of India" for purpose of renewing lapsed policies. The complainant was asked to deposit Rs.20,500/- in the bank account maintained in the name FNF Services with State Bank of Hyderabad, Laxmi Nagar Branch. The particulars of the bank account were also provided to the complainant. The complainant deposited the said amount. The complainant was misled by the caller by claiming that he would get back the amount with interest and he that he would get a handsome amount of Rs.1.78 lakhs. The complainant then kept receiving calls regarding deposit of further amounts on one or the other ground by different callers, whose names and particulars have been disclosed by the complainant.

The complainant kept making the deposits as required by the callers. Eventually, on 27.05.2016, one Mukesh Mehra informed the complainant that he would make a call and inform him as to how much money the complainant has to deposit. At that stage, the complainant became suspicious and informed the caller that he would make payment in person only. The caller agreed that he would come to Delhi on 07.05.2016 at Mayur Vihar metro station so that a face to face meeting could take place between him and the complainant. He stated that he would receive Rs.85,000/- as commission and hand over a cheque for Rs.12,00,889/-. The complainant then called up the police on no.100 and a trap was laid. The accused persons including the petitioner landed in the trap and were apprehended.

Investigation revealed that the petitioner was earlier arrested in case FIR 306/2016 under Section 420/467/468/471/120B IPC registered at PS Ashok Nagar, Delhi. Further investigation revealed that the petitioner had used the identity of Deepak Yadav and Naveen Kumar in account opening form in respect of a disclosed account number maintained with State Bank of Hyderabad and with Canara Bank, Kondli Branch. Thus, apparently, the petitioner/ accused have been impersonating with different identities.

The status report also discloses that by adopting the same modus operandi, about 90 persons have been duped and prima facie the amount involved is running into more than Rs.2.21 crores. The said amount has been remitted into several bank accounts opened on forged and fabricated identities and documents. The status report further discloses that the accused Akash Gupta and Himanshu Sharma were arrested by Cyber Cell at Mumbai, and that Haryana police were also looking out for them in the case being investigated by them as same bank accounts were used to receive money and even the examination of hard disk of the computer received from the complainant revealed the details of the victim/ present complainant. It has been found that by using forged and fabricated documents like PAN card, voter ID card, sales tax registration documents, residential proof documents etc. obtained ATM cards, cheque books and opened bank accounts in fake and forged names.

Looking to the gravity of the offence and multiple cases in which the petitioner appears to be involved, I am not inclined to grant bail to the petitioner.

Except claiming that the co-accused have been granted bail, the petitioner has not disclosed the circumstances in which bail was granted to them. The order dated 13.07.2016 granting bail to Himanshu Sharma shows that his involvement is minimal. That cannot be said about the petitioner. The petitioner has clearly shown the propensity to indulge in such like criminal activity, as he appears to have indulged in multiple offences already. He may not only tamper with the evidence, but also abscond if released on bail.

Dismissed.

VIPIN SANGHI, J

FEBRUARY 20, 2017
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