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

\+ BAIL APPLN. 2074/2018

MANISH BANSAL ..... Petitioner

Through: Mr. Siddhesh Kotwal, Ms. Bansuri Swaraj, Mr. Raghuratha Sethupathy, Mr. Gagan Narang and Mrs. Arshiya Ghose, Advocates.

Versus

STATE OF N.C.T. OF DELHI ..... Respondent

Through: Mr. Amit Chadha, APP for State.

CORAM:
HON'BLE MR. JUSTICE NAJMI WAZIRI

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

% **17.09.2018**

The petitioner seeks bail on the ground that he is not at all concerned with the issuance of the sim cards, which had been allegedly used for the alleged fraudulent activities. The bail is opposed by the learned Additional Public Prosecutor for the State. He submits that the *modus operandi* for sim cards by fraudulent identification is fraught with serious consequences both for the safety and security of the individuals i.e. people have been defrauded of their valuables and monies as well as such sim cards, issued on a duplicate identity as mentioned in the order dated 05.09.2018, could jeopardise the lives of people in this country. This Court on 05.09.2018 had noted as under:-

> *"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.

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".

Additionally, the Status Report filed by the police on 11.09.2018 records as under:-

"During the course of investigation, it was revealed that all the above mentioned phone mobile numbers were issued from Bansal Store and Telecom, Shastri Nagar, Delhi and the owner of said store Manish Bansal stated that he used to take thumb impression twice/thrice of customers, who came at his shop to link their mobile numbers to with their Aadhar card and thereafter he got issued new SIM cards on their ID, without the knowledge of customers. After that Manish Bansal sold those SIM cards to Hemant @ Rs. 200/- for each SIM. Hemant then sold the same SIM cards to Ravi Adhikari @ 500/- for each SIM and he also sold some SIM cards in the area of Delhi NCR. During investigation, it is found that all these mobile numbers were used to induce the customers on the pretext of high bonus against their policies. Ravi Adhikari is running an office in name of M/s Grand v Holidays Pvt. Ltd. Which is located at Vasoiya complex, 3rd floor Sector-15, Noida and during analysis of CDR of alleged mentioned

mobile numbers the location of all the numbers remained under the same tower in which the above said office is located. Ravi Adhikari is director of M/s Grand holiday vacations private ltd.

During interrogation accused Ravi Adhikari disclosed that earlier he was working with a company namely Augment, which dealt with Mediclaim policy, health insurances etc. and from there he learnt how to collect the data of different clients and to convince the clients accordingly. Thereafter he also worked in HDFC Ergeo for a period of five months and then he started his own company in the name of M/S Grand holiday Vacations Private ltd. with 15-16 employees. The business of this company was not as good as per his expectation so he started to cheat the innocent people as described above. He further disclosed that for such type of business mobile numbers on fake identities are required so he used to get the SIM cards through Hemant. Both Hemant and Manish Bansal stated that in order to earn extra income, Manish Bansal got issued SIM cards on fake ID,s and sold the SIM cards to Hemant and who in turn sold the some to Ravi Adhikari and others. All the three accused persons have been arrested in the case on 31.07.2018.

It is further stated that accused/applicant Manish Bansal who is owner of Bansal Store and Telecom used to procure SIM cards on fake ID,s by making multiple thumb impressions of customers without their knowledge and sell the said SIM cords through Hemant in order to earn extra money jeopardizing the security of customers. Four SIM cords of AIRTEL procured on fake ID,s hove been recovered from Manish Bansal. These fake SIM also can be used by cheaters and the terror outfits which could be dangerous to the national security. Other co-accused are also in J/C".

In view of the above, the Court finds no reason to interfere with the impugned order. Accordingly, the petition is dismissed.

NAJMI WAZIRI, J

SEPTEMBER 17, 2018/RW