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

\+ BAIL APPLN. 2188/2018

VIRENDER @ BIRAY ..... Petitioner

Through: Mr. Salman Khurshid, Sr. Advocate with Mr. S.S. Das, Mr. Ibrahim Areeb and Mr. Vikramaditya Singh, Advocates.

versus

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

Through: Mr. Rajat Katyal, APP for State with SI Chandan Kumar, PS-Stars-I/Crime Branch.

CORAM:
HON'BLE MR. JUSTICE NAJMI WAZIRI

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

% **10.12.2018**

The petitioner seeks bail. He has been incarcerated for more than three years. He is accused of facilitating transfer of money of other accused, who are allegedly involved in trade of contraband. It is the petitioner’s case that no contraband was recovered from his possession or from his residential property. He claims to be a Suvidha Retailer working through Suvidhaa Infoserve Pvt. Ltd. for the benefit of Axis Bank. A certificate bearing no. 157135 has been issued in this regard to him as “Authorized Business Correspondent Agent of Axis Bank Ltd.” The deposition of PW-25, Ms. Reema Thakkar, GM (Legal), Suvidhaa Infoserve Pvt. Ltd. is as under:-

"In the year 2015, I was working as a DGM (Legal) n Suvidhaa Inforserve Pvt. Ltd. On 27.10.2015, I received a letter of the IO regarding providing some documents of retailer named as Virender Singh and statement of account and other relevant documents of the account holder. On 09.11.2015 I had sent the copy of the retailer application form, BC Agent Registration Form, copy of address proof (Voter ID). Copy of ID (PAN Card) and computer generated statement of account from 04.11.2012 till 03.01.2014 and detail of IMPS Transactions by post to the IO with my forwarding letter signed by me. The abovesaid forwarding letter is Ex.PW25/A which bearing my signatures at point-A. Copy of the retailer application form is Ex. PW25/B (OSR). BC Agent Registration form is Ex. PW25/C (OSR) and copy of the Voter ID Card of Virender Singh is Ex. PW25/D. The self attested copy seen and returned. The account opening form and copy of the PAN Card are Ex. PW25/E. The self attested copy of the same is seen and returned. The above said statement of the account is Ex. PW25/F Colly and detail of IMPS Transaction is Ex. PW25/G Colly.

XXXXXX by Sh. S.S. Dass and Sh. M.B Nabi, Ld. Counsel for all the accused.

I do not remember the name of the person who has personally retrieved the papers Ex. PW25/F (Colly). It is wrong to suggest that the documents Ex. PW25/F are manipulated and fabricated.

We are in the legal team and I am in particular not aware the procedure of the dealings/procedures of Suvidha Retailer. We give the retailer an authority to run the business to retailer like-to sell, market, distribute or promote the services. Any person can go to the retailer to deposit money for onward transmission/domestic remittance. There is no restriction of any person to go to the retailer for onward transmission/domestic remittance."

It is the petitioner's case that it was his duty to collect monies and to reach out to people in remote areas, facilitating banking transactions, in terms of the procedure prescribed. For his work, he cannot be prosecuted in the absence of any incriminating evidence. Details of banking transactions done through him are on record and he cannot possibly tamper with it. All other co-accused are behind bars except Nepal Yadav, who was granted bail on 26.07.2018 by this Court. The petitioner claims to have clean antecedents and is stated to be a respectable member of society.

In view of the above, the petitioner is granted bail on his furnishing a personal bond in the sum of Rs. 1 lac with two sureties of the like amount to the satisfaction of the Trial Court concerned, subject to the following conditions:-

(i) the petitioner will regularly appear on each and every date of hearing to be fixed by the Trial Court concerned;

(ii) the petitioner will not try to influence, contact or meet the complainant and prosecution witnesses in any manner;

(iii) the petitioner will not leave the country without prior permission of the Court and the passport, if any, shall be deposited with the Trial Court concerned; and

(iv) in case of change of his new address or contact number, the petitioner will promptly intimate to the SHO/IO of the case and intimate the Trial Court.

The petition stands disposed-off in the above terms.

Nothing stated in this order shall be deemed to be an adjudication on the merits of the case.

The Registry is directed to send a copy of this order to the Jail

Superintendent, concerned for compliance. Additionally, a copy of the same shall also be delivered upon the Jail Superintendent through the police.

A copy of this order be given *dasti* to the learned counsel for the parties under the signature of the Court Master.

NAJMI WAZIRI, J

DECEMBER 10, 2018

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