*	**IN THE HIGH COURT OF DELHI AT NEW DELHI**
\+	BAIL APPLN. 2380/2019

Judgment reserved on : 20.09.2019
Date of decision : 20.09.2019

ANIL CHAMOLA ..... Petitioner

Through: Ms. Neha Garg and Mr. Nitin Garg, Advocates.

versus

STATE ..... Respondent

Through: Mr. Kewal Singh Ahuja, APP for State with ASI Kishan Pal Singh, PS New Ashok Nagar.

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

JUDGMENT

ANU MALHOTRA, J.

1. The applicant seeks the grant of anticipatory bail in relation to the FIR No.179/2019, PS New Ashok Nagar registered under Sections 420/120B of the Indian Penal Code, 1860 submitting to the effect that the applicant has been falsely implicated and is willing to join the investigation and there are no allegations of any kind against the applicant that he had ever duped the complainant in investing any money into M/s AES Cybernetics Pvt. Ltd and there in nothing on the

record to indicate any conversation between the applicant and the complainant as per averments made in the FIR also.

2. The applicant has submitted that there is no element of cheating brought forth against the applicant in any manner. It has also been submitted on behalf of the applicant that one of the co-accused in the instant case namely Romesh Razdan was granted anticipatory bail vide order dated 18.09.2019 and that on parity the applicant be also granted anticipatory bail.

3. On behalf of the State, learned APP for the State has put forth the status report which indicates that the FIR has been registered on the complaint of a complainant aged 78 years who stated that in the year 2015, he met Mr. Romesh Razdan, who represented that Mr. Rakesh Tickoo along with Mr. Anil Chamola i.e. the applicant herein were running a company in the name of AES Cybernetics Pvt. Ltd. with the registered office at A-74, Sector 4, Noida, U.P-201301 and that the said Romesh Razdan (on bail) had represented that Rakesh Tickoo (co-accused in custody) had dreamt that they would expand the said company to make it with a turnover of more than Rs.25 Crores which would be for the Kashmiri's and that it would be run by the Kashmiri's and also for the benefit of people who have been dislocated from their home town and that Mr. Romesh Razdan and Mr. Rakesh Tickoo further induced the complainant for the purpose of duping him and dishonestly and fraudulently took huge sums of money from the complainant under the grab of investment in company and personal friendly loans, with promise to return the money and the accused persons in connivance with each other further induced the

complainant to invest the money in the company i.e. M/s AES Cybernetics Pvt. Ltd of which the certificate of incorporation was stated to be incorporated on 24.09.2014 in which the applicant herein i.e. Anil Chamola and Rakesh Tickoo (accused in custody) were the directors of the said company and from 14.03.2016 to 24.05.2016, Rs. 19 lakhs were obtained by these persons from the complainant in the account of M/s AES Cybernetics Pvt. Ltd.

4. As per the status report of the State, the complainant is also stated to have become one of the Directors of the company M/s AES Cybernetics Pvt. Ltd and paid Rs.20 lakhs into the said company vide cheques. The complainant is also stated to have paid Rs.14.30 lakhs into the account of Rakesh Tickoo (accused in custody) and Meenakshi Tickoo (accused stated to be absconding) and also paid Rs.7.80 lakhs in cash to Rakesh Tickoo and before becoming a Director, the complainant paid Rs.25 laksh to the accused persons, some into the account of the company and some into the personal account of Rakesh Tickoo.

5. The State has submitted further through its Status Report that by anylyzing the withdrawal and transfer pattern of the bank accounts of the accused persons, it is indicated that the said persons obtained Rs.20 Lakhs in the account of M/s AES Cybernetics Pvt. Ltd in the Karnataka Bank from the complainant and instantly around Rs.10 lakhs were transferred in another company Aryan-e-Solutions under the control of Rakesh Tickoo and Anil Chamola i.e. the applicant herein and Rs.9 lakhs

were withdrawn from the account of M/s AES Cybernetics Pvt. Ltd.

6. As per the status report submitted by the State, some amount of money was transferred from the account of M/s AES Cybernetics Pvt. Ltd to the account of Aryan-e-Solutions and some money was also withdrawn from M/s AES Cybernetics Pvt. Ltd vide cheques bearing the signatures of Rakesh Tickoo and Anil Chamola i.e. the applicant herein by the following transactions:-

Sl. No.	Date	Cheque No.	Amount (in Rs.)	Source	Beneficiary
1.	14.03.2016	458235	1,50,000/-	AES Cybernetics Pvt. Ltd.	Self
2.	14.03.2016	458234	2,00,000/-	AES Cybernetics Pvt. Ltd.	Aryan-e-solutions (Axis Bank)
3.	14.03.2016	458237	50,000/-	AES Cybernetics Pvt. Ltd.	Self
4.	14.03.2016	458238	70,000/-	AES Cybernetics Pvt. Ltd.	Self
5.	17.03.2016	458239	30,000/-	AES Cybernetics Pvt. Ltd.	Self
6.	17.03.2016	458240	3,00,000/-	AES Cybernetics Pvt. Ltd.	Aryan-e-solutions (Axis Bank)
7.	19.03.2016	458241	1,75,000/-	AES Cybernetics Pvt. Ltd.	Self
8.	31.03.2016	458242	2,00,000/-	AES Cybernetics Pvt. Ltd.	Self
9.	02.04.2016	458244	2,00,000/-	AES Cybernetics Pvt. Ltd.	Aryan-e-solutions (Axis Bank)
10.	11.04.2016	458245	65,000/-	AES	Self

				Cybernetics Pvt. Ltd.	
11.	16.04.2016	458246	2,50,000/-	AES Cybernetics Pvt. Ltd.	Aryan-e-solutions (Axis Bank)
12.	20.04.2016	458247	80,000/-	AES Cybernetics Pvt. Ltd.	Self
13.	24.05.2016	462321	60,000/- (salary)	AES Cybernetics Pvt. Ltd.	Rakesh Tickoo (Karb)
14.	25.05.2016	462324	40,000/-	AES Cybernetics Pvt. Ltd.	Self
15.	27.05.2016	462326	10,000/-	AES Cybernetics Pvt. Ltd.	Self
16.	30.05.2016	462329	50,000/-	AES Cybernetics Pvt. Ltd.	Self
17.	31.04.2016	462328	30,000/-	AES Cybernetics Pvt. Ltd.	Self
18.	03.06.2016	462327	15,000/-	AES Cybernetics Pvt. Ltd.	Self

7. It has thus been submitted by the State that from the account of Aryan-e-Solutions, Rs.6.29 lakhs were transferred in the personal account of Rakesh Tickoo and some money was withdrawn from the ATM and from the personal account of Rakesh Tickoo, money was transferred to the account of Romesh Razdan and Anil Chamola i.e. the applicant herein and to some other accounts. The State has further submitted that as per the personal bank account statement of Rakesh Tickoo, following transactions came into the knowledge through which the money was sent to Anil Chamola i.e. the applicant herein:-

S No.	Date	Amount (in Rs.)	Beneficiary
1.	07/03/2016	3000/-	Anil Chamola
2.	07/03/2016	30,000/-	Anil Chamola
3.	07/03/2016	9000/-	Anil Chamola
4.	09/03/2016	3000/-	Anil Chamola
5.	14/03/2016	30,000/-	Anil Chamola
6.	18/03/2016	16000/-	Anil Chamola
7.	11/05/2016	1000/-	Anil Chamola
8.	21/05/2016	6500/-	Anil Chamola
9.	25/05/2016	4000/-	Anil Chamola
10.	13/07/2016	2000/-	Anil Chamola
11.	01/08/2016	5000/-	Anil Chamola
12.	10/08/2016	5000/-	Anil Chamola
13.	17/08/2016	1500/-	Anil Chamola
14.	24/08/2016	1000/-	Anil Chamola
15.	29/08/2016	1450/-	Anil Chamola
16.	16/09/2016	2000/-	Anil Chamola
17.	28/09/2016	2000/-	Anil Chamola
18.	01/10/2016	10,000/-	Anil Chamola
19.	01/11/2016	8000/-	Anil Chamola
20.	15/11/2016	15000/-	Anil Chamola
21.	02/12/2016	8000/-	Anil Chamola
22.	26/12/2016	500/-	Anil Chamola
Total		Rs.1,63,950/-	

and that thus, a sum of Rs.1,63,950/- had been transmitted into the account of the applicant herein namely Anil Chamola.

8. The State has further submitted that the co-accused Rakesh Tickoo was arrested on 29.08.2019 and during interrogation he disclosed that he was running M/s AES Cybernetics Pvt. Ltd with Anil Chamola i.e. the applicant herein and Romesh Razdan and that on 21.07.2019, Mr. Anil Chamola i.e. the applicant herein joined the investigation and disclosed that Mr. P.L. Fotedar invested money in M/s AES Cybernetics Pvt. Ltd and that there were some transactions between Rakesh Tickoo and PL Fotedar also.

9. It has also been submitted by the State that there are other cases also pending against the applicant herein namely Anil Chamola, which are to the effect:-

S. No.	Case No./CC No.	Complainant	Alleged Persons	PS	U/S	Next Date of Hearing	Status
1	9298/17	Bansi Lal Arora	Rakesh Tickoo Anil Chamola	Greater Kailash	138 NI Act	30/10/2019	Pending
2.	6364/17	Bansi Lal Arora	Rakesh Tickoo Anil Chamola	Greater Kailash	138 NI Act	30/10/2019	Pending

and that it had also been brought forth to the knowledge of the State that the case bearing no.1606128/2014 Ms HCL Infosystem Vs. MS Aryan E Solutions is also pending.

10. The status report submitted by the State states to the effect that the co-accused Rakesh Tickoo was in custody and the account/place where the money had been parked by the accused persons was yet to be ascertained for which custodial interrogation of the applicant is required for ascertaining the facts and recovery of money.

11. Undoubtedly, the co-accused Romesh Razdan in Bail Application No.2259/2019 has been granted anticipatory bail. However, it is essential to observe that the amount transferred in his account is stated to be only Rs.82 lakhs and furthermore, the said applicant Romesh Razdan was 61 years of age and it was submitted by the State under the instructions of the Investigation Officer ASI Kishan Pal, PS New Ashok Nagar that no further custodial

interrogation of that accused namely Romesh Razdan was required, as a consequence of which the said Romesh Razdan was allowed to be released on bail in the event of arrest on conditions that he would submit a bail bond in the sum of Rs.1 lakh with one surety of the like amount to the satisfaction of the learned Trial Court with directions that he would not leave the country and would join the investigation as and when required.

12. In the instant case, however, the status report that has been put forth by the State indicates that amounts of money have been transferred from M/s AES Cybernetics Pvt. Ltd into the account of company called Aryan-e-Solutions, which are under the control of the co-accused Rakesh Tickoo and Anil Chamola i.e. the applicant herein and cheques bearing the signatures of the applicant herein have been issued whereby money has been withdrawn from M/s AES Cybernetics Pvt. Ltd in which the complainant had invested his earning.

13. The status report also indicates that from the account of Rakesh Tickoo, the co-accused, money has also been transmitted into the personal account of Anil Chamola i.e. the applicant herein to the tune of Rs. 1,63,950/-, though the applicant herein namely Anil Chamola is stated to have resigned from M/s AES Cybernetics Pvt. Ltd on 27.03.2018, *prima facie* the factum that there are amounts of money transmitted into the account of the applicant which in turn have been transferred into his account by Rakesh Tickoo, it is apparent that to ascertain the money trail in the matter, the custodial interrogation of the applicant would be required by the State.

14. In the circumstances, the application seeking grant of anticipatory bail by the applicant herein is declined.

ANU MALHOTRA, J.

SEPTEMBER 20, 2019/NC