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

Reserved on : 08.10.2021
%   **Pronounced on : 22.11.2021**

\+   **BAIL APPLN. 3050/2021**

MANOJ KUMAR HOTA   ..... Petitioner

Through: Mr. Kamal Jindal and Mr. Sharvan Dev, Advocates.

versus

STATE NCT OF DELHI   .... Respondent

Through: Mr. Raghuvinder Varma, APP for the State with SI Ajeet, Special Cell.

CORAM:
HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

RAJNISH BHATNAGAR, J.

1. The present bail application has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case FIR No. 86/2021 under Sections 419/420/120B IPC registered at P.S. Special Cell.

2. Briefly stated, the facts of the case are that a complaint of Sh. Subrata Viswas was received at CyPAD, wherein complainant alleged that he was looking for a job and had put his resume at Indeed Career and other job portal. Thereafter, he received phone calls on behalf of Indeed Career job portal and they cheated the total amount of

Rs 19,74,153/- on the pretext of registration fee for premium services, document verification fee, top management profile fee, fee to qualify aptitude test, fee for seat reservation etc. Thereafter, on being found cheated, complainant reported at Cyber Crime Portal and technical enquiry was got conducted on his complaint and accordingly, the present case was registered and investigation went underway.

3. During investigation, on 25/03/21, a raid was conducted at Office No. 1032B, B-2, 10th Floor, Spaze ITech Park, Sector 49 Sohna Road, Gurgaon, Haryana, wherein five accused persons namely Manoj Kumar Hota (present petitioner), Ashish Ranjan, Abhishek Kumar, Sonu Rawal, Shaik Pintu Ali were found running a fake call center to cheat job seekers. After interrogation, above five accused persons were arrested in the case.

4. I have heard the Ld. counsel for the petitioner, Ld. APP for the State, perused the Status Report filed by the State and also perused the records of this case.

5. It is submitted by the Ld. counsel for the petitioner that the charge sheet in this case has already been filed and the petitioner is not required for any investigation purposes. He further submitted that all the other 4 co-accused have already been released on bail and the petitioner is entitled to be released on bail on the basis of parity. He further submitted that there is a delay in lodging the FIR as the first

alleged incident happened on 22.02.2020, when the first alleged transaction was done by the complainant but the FIR was got registered only on 24.03.2021.

6. It is further submitted by the Ld. counsel for the petitioner that name and mobile number of the petitioner are not mentioned in the FIR and the name of the petitioner was never disclosed to the police by the complainant at any point of time. It is further submitted by the Ld. counsel for the petitioner that not even a single penny out of the alleged cheated amount of Rs. 19,74,153/- has been deposited in the bank account of the petitioner. He further submitted that the FIR was lodged against 13 private persons, 4 companies and 5 bank managers but the IO has neither arrested them nor charge sheeted them and falsely implicated the petitioner.

7. It is further submitted by the Ld. counsel for the petitioner that the maximum punishment provided for the offences for which the petitioner has been charged with is 7 years or less. He further submitted that there is nothing on record to show that the alleged premises from where the petitioner was running fake call centre belonged to the petitioner. Rather, the same belonged to one co-accused who has already been released on bail. He further submitted that the petitioner has no connection or concern with the companies M/s Zottic Career Choice Pvt. Ltd., M/s Sandip Edu Solutions Pvt. Ltd.

and M/s BSEPL Edu Con (OPC) Pvt. Ltd. and the IO had deliberately not made those companies an accused in this case. He further submitted that the petitioner is in J.C. since 25.03.2021. Ld. counsel for the petitioner has relied upon the following judgments:

(a) Bail Appln. 3967/2020 titled as Mayank Sharma Vs. The State decided by this Court on 19.01.2021.

(b) Bail Appln. 3791/2020 titled as Sai Chandrasekhar Vs. Directorate of Enforcement decided by this Court on 05.03.2021.

(c) Bail Appln. 1606/2020 titled as Ashok Panwar @ Ashok Pawar Vs. State (GNCT of Delhi) decided by this Court on 04.08.2020.

(d) Criminal Appeal No(s). 755 of 2021 titled as Rekha Vs. State of T.Nadu Tr. Sec. to Govt. & Anr decided by the Supreme Court on 05.04.2011.

(e) Criminal Appeal No. 733 of 2021 (arising out of SLP (Criminal) No. 4729 of 2021) titled as Banka Sneha Sheela Vs. The State of Telangana & Ors. decided by the Supreme Court on 02.08.2021.

8. On the other hand, it is submitted by the Ld. APP for the State that the allegations against the petitioner are grave and serious in nature. He is the mastermind of a crime syndicate involved in cheating the unemployed youth and then siphoning off the cheated amount

through a complex web of dummy and shell companies. It is further submitted by the Ld. APP for the State that during the raid five accused persons including the petitioner were arrested and they were found running a call centre. He further submitted that 15 mobile phones, 4 laptos, 3 desktops computers and six cards were recovered from their possession.

9. It is further submitted by the Ld. APP for the State that petitioner who is an MBA in HR and PH.D in Management is the kingpin of the crime who used to supervise the work of the said call center. He further submitted that 17 sim cards were recovered from his possession, all were issued from Bhuvneshwar for committing the offence of cheating and one PAN Card, one copy of ICICI Bank cheque of Sandip Edu Solution Private Ltd, copy of PAN Card and Aadhar card of Biplab Chaudhary were recovered from the laptop of petitioner alongwith 32 bank cards mostly in the name of Manoj Kumar Hota (petitioner), his wife Sunita Hota, Biplab Chaudhary and Niranjan Pradhan were recovered from his possession which were used for transferring the cheated money from one account to another and for withdrawal purpose.

10. It is further submitted by the Ld. APP that correspondence between complainant and service04@indeedcareer.co was also recovered at the instance of petitioner. He further submitted that

BSEPL console on shine.com for the purpose of getting data of job seekers was got opened at the instance of petitioner by entering the login id, password and OTP received on mobile number 7377173772 which was registered in the name of petitioner and the said mobile phone was recovered from his possession. He further submitted that petitioner opened three current accounts in the name of three shell companies, namely, Zottic Career Choice Pvt. Ltd, Sandip Edu Solution Pvt. Ltd. and BSEPL Educon (OPC) Pvt. Ltd. mentioning his residential address of Odisha, having mobile number 7008137066 registered in his name and was recovered from his possession. He further submitted that the complainant transferred 12,61,000/- in the account of BSEPL Educon (OPC) Pvt. Ltd and out of which, Rs.5,90,000/- was transferred in the account of Zottic Payment Pvt. Ltd. of which the petitioner and his wife were the Directors and Rs. 43,000/- was transferred in the personal account of the petitioner.

11. It is further submitted by the Ld. APP for the State that most of the recovered mobile numbers are issued in the name of M/s Tarudh Career Solutions OPC Private Limited having mention of residential address of petitioner. It is further submitted by the Ld. APP for the state that the petitioner is not entitled to parity with his co-accused persons who have been released on bail because he is the kingpin of the crime and the co-accused persons with whom the petitioner is seeking parity were puppets who were working at the behest of the petitioner.

12. In the instant case, the petitioner is in J.C. since 25.03.2021. Four co-accused have already been released on bail, who have more or less the same allegations. Though, the prosecution is alleging that the petitioner is the kingpin of the entire transactions but all the other co-accused persons have also been en-roped with the help of Section 120 B IPC and the same would be decided at the time of the trial.

13. In the instant case the charge sheet has already been filed, so no purpose would be served by keeping the petitioner in J.C. for long and the maximum punishment provided for the offence for which the petitioner has been charged is 7 years or less. Therefore, in these facts and circumstances, the present bail application is allowed and the petitioner is admitted to bail on his furnishing a personal bond in the sum of Rs. 50,000/- with one surety of the like amount subject to the satisfaction of the concerned Trial Court. The bail application is disposed of accordingly.

14. Nothing stated hereinabove shall tantamount to the expression of any opinion on the merits of this case.

RAJNISH BHATNAGAR, J

NOVEMBER 22, 2021

Sumant