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

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Date of Decision: 21.08.2023

+ **BAIL APPLN. 2779/2023**

ANSH PRATAP KUSHWAHA

..... Petitioner

Through: Mr. Arun Kumar Yadav, Advocate

versus

STATE GOVT. OF N.C.T. OF DELHI

..... Respondent

Through: Mr. Amol Sinha, ASC (CRL) with
SI Dharm Singh, PS Kotla,
Mubarakpur, Mr. Kshitiz Garg,
Mr. Ashvini Kumar & Ms. Chavi
Lazarus, Advocates

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

JUDGMENT

SWARANA KANTA SHARMA, J. (ORAL)

CRL.M.A. 22390/2023 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

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3. The instant application under Section 439 of Code of Criminal Procedure 1973 ('Cr.P.C.') has been filed on behalf of the applicant seeking regular bail in case FIR bearing no. 268/2023 registered at Police Station Kotla Mubakarpur, New Delhi, under Sections 420/419/120B/34 of Indian Penal Code 1860 ('IPC').



4. Issue notice. Mr. Amol Sinha, learned ASC accepts notice on behalf of the State.

5. Briefly stated, facts of the present case are that on 22.07.2023, an information was received at PS Kotla Mubarakpur, New Delhi, on the basis of which a raiding team was constituted, and a raid was conducted at the premises of third floor of House No. 1899, Kotla, Mubarakpur, New Delhi and the present applicant/ accused and six other accused persons were apprehended. It is alleged that the accused persons had engaged in committing cheating/fraud with numerous persons on getting them jobs with Airport Authority of India with high salary and other benefits. During the course of investigation, it was revealed that the telecalling staff at the call centre used to charge people in the name of application form/processing fees and other charges ranging from Rs. 1100/- to 50,000/-. It was also revealed that the accused persons used to target people of States of Assam, Tripura, Himachal Pradesh, Orissa, Uttar Pradesh and several other places. During investigation, material evidences including one laptop, ten keypad phones, one smart phone, registers and notebooks were also seized.

6. Learned counsel for the applicant states that the applicant has been in judicial custody since 22.07.2023, and has been falsely implicated in the present case. It is argued that the applicant was only a receptionist/manager at the alleged call centre and was not aware about any alleged illegalities that were going on in the said premises. It is stated that all other accused persons who were present at the spot were released after 41A Cr.P.C. proceedings were completed but only the present applicant was arrested.



7. Learned ASC for the State, on the other hand, argues that the applicant was arrested from the spot and is a partner in the call centre. It is stated that the investigation in the present case is at initial stage, and there are several complaints which have to be verified by the police. It is stated that the acts of the accused have affected a large number of individuals and there are serious concerns about accused attempting to destroy or manipulate the evidence.

8. This Court has heard arguments addressed by the learned counsel for the applicant and learned ASC for the State, and have perused material on record.

9. In the present case, a perusal of record reveals that the present applicant was arrested from the spot, pursuant to raid conducted by the police and was found to be involved in committing fraud/cheating numerous people on the pretext of getting them jobs with Airport Authority of India and promising them high salary and other benefits. This Court notes that the applicant/accused was partner in the fraud telecalling firm/ call centre, and was actively involved in the business of the firm. In this regard, it is the case of the applicant himself that he was working as a manager/receptionist in the said firm. Thus, his active involvement in the said firm which was engaged in defrauding people is not disputed. As per prosecution, during the raid at the said premises, several electronic gadgets were seized which contain incriminating material against the accused persons. A perusal of record also reveals that there are several complainants in the present case who have been cheated and their complaints are yet to be verified.

10. Considering the overall facts and circumstances, the fact that the



investigation is at initial stage, and charge sheet is not yet filed, no ground for grant of bail is made out at this stage.

11. Accordingly, the present bail application stands dismissed.

12. It is, however, clarified that nothing expressed herein above shall tantamount to an expression of opinion on merits of the case.

13. The judgment be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

AUGUST 21, 2023/dk