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

+ **BAIL APPLN. 3103/2023**

BALRAJ KISHORE

..... Petitioner

Through: Mr.Jatin Sharma, advocate

versus

STATE OF NCT OF DELHI THROUGH SHO

..... Respondent

Through: Mr.Amit Sahni, APP for the State.
Insp. Deepak, PS Cyber West.

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Date of Decision: 18.09.2023

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

CRL.M.A. 25080/2023 (for exemption)

Exemption allowed subject to just exceptions.

The application stands disposed of.

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1. The Present bail application has been filed under section 439 r/w section 482 Cr.P.C seeking regular bail in case FIR No.0020/23 dated 27.03.2023 under Section 420/468/471/34/120B IPC at PS Cyber Police Station West.

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2. Briefly stated, the present FIR was lodged on the basis of the complaint of the complainant/respondent No.2 namely Miroj Kumar, alleging therein that he has been cheated by Neeraj Kathuria and Aaditi @ Cheenu Kathuria, on the false pretext of arranging his visas for Australia and other countries, whom he met on Facebook. It has been further alleged that the fake visa and tickets were also received and for the same complainant/respondent No.2 has been cheated to an amount of Rs. 20,33,000. Subsequently, the present FIR was lodged.
3. Learned counsel for the petitioner submits that as per the case of the prosecution, Cheenu Kathuria is the mastermind of the alleged cheat. Learned counsel submitted that another main accused is Neeraj Kathuria and Co-accused Cheenu Kathuria have already been admitted to regular bail. Learned counsel further submits that Balraj Kishore is merely an employee of Cheenu Kathuria who was working at the instructions of co accused Cheenu Kathuria. It has further been submitted that the petitioner is in custody since 28.03.2023.
4. Learned APP has vehemently opposed the bail application and submits that the applicant is involved in a racket at the international level. It has been submitted that the applicant has played an active role in arranging fake visas and tickets. Learned APP has also submitted that the co-accused Cheenu Kathuria is the mastermind who partnered with the applicant to organise the alleged cheat. Learned APP also submits that two mobile phones, a sum of Rs 1,20,200 in cash, and one laptop has been recovered from his



possession.

5. Learned APP has submitted that the modus operandi of the applicant/accused was to target people on social media who were willing and eager to travel foreign countries for any amount. It has been further submitted that the main accused namely Cheenu Kathuria has been making different accounts on Facebook to cheat people and partnered with co-accused Neeraj Kathuria and Balraj Kishore for arranging fake visas and tickets. Learned APP also submits that the accused persons have also published advertisements on social media to target foreign nationals and get the amount transferred in the name of Visa Fee and ticket charges and in view of the above submissions, bail may not be granted
6. I have considered the submissions.
7. It is not disputed that Cheenu Kathuria is the master mind and she has already been admitted to regular bail. It is also an admitted case that Neeraj Kathuria has also been admitted to regular bail vide order dated 21.07.2023.
8. The bail of the present petitioner is being opposed on the ground that the accused in the case who supplied visa is yet to be arrested and present petitioner has played an active role in arranging fake visas and tickets. Present bail application is also being opposed on the ground that two mobile phones, one laptop and Rs.1,20,200/- in cash have been recovered from the petitioner. The Investigation in this case has been completed. Charge sheet has also been filed. Trial may take a



long time. Admittedly, there is no involvement of the petitioner in other cases. The co-accused Cheenu Kathuria and Neeraj Kathuria have been admitted to regular bail.

9. In view of the above circumstances, the petitioner is admitted to bail on furnishing personal bond in the sum of Rs.50,000/- with two sureties in the like amount to the satisfaction of the trial court, on the following terms and conditions:

- a) That during the period of bail, the accused shall not try to contact directly or indirectly or through any of the electronic mode to the complainant and family members of the deceased or any public witness.
- b) That during the pendency of the trial of this case FIR, the accused shall not get himself involved in any other offence.
- c) The accused shall not leave the country without prior permission of the court.
- d) That during the period of bail, the accused shall furnish all his mobile numbers to the concerned IO/SO.
- e) In case of change of address or mobile number, the accused shall inform the same to the trial court.

10. The present bail application is disposed of.

11. Copy to be sent to the concerned jail superintendent.

DINESH KUMAR SHARMA, J

SEPTEMBER 18, 2023

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