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

\+ BAIL APPLN. 852/2024 & CRL.M.A. 7441/2024 (Interim Protection) & CRL.M.A. 7442/2024 (Exemption)

PRINCE ..... Petitioner

Through: Mr. Sanjeev Bishnoi, Adv. (through VC).

versus

STATE NCT OF DELHI ..... Respondent

Through: Mr. Hemant Mehla, APP for State with SI Mohit, Cyber PS/NED.

CORAM:
HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

% **07.03.2024**

1. The present application under Section 438 of the CrPC seeks anticipatory bail in case FIR No. 38/2022 under Sections 420/120 B of the IPC, registered at P.S. Cyber Cell, North-East.

2. The first bail application for anticipatory bail on behalf of the applicant being BAIL APPLN. 996/2022 was dismissed in default on 17.10.2023 on account of non appearance of the applicant on two consecutive dates.

3. Learned counsel for the applicant submits that the applicant has not been named in the FIR. It is submitted that his name surfaced in the disclosure statement of co-accused Manish Kumar Gupta. It is further pointed out that apart from the said disclosure statement, there is no other connection of the present application with the present FIR. It is further

stated that the fake SIM cards have been recovered from other co-accused Manish Kumar Gupta.

4. *Per contra,* Learned APP, on instructions of the Investigating Officer, submits that the present applicant is the mastermind of the offence committed in this case. It is the case of the prosecution that the applicant and other co-accused persons cheated people online on the pretext offering distributorship of Cadbury products. It is stated that the accused persons were alluring the complainant on email communication and asking to pay the alleged amount in parts.

5. Status report dated 25.05.2023 authored by SHO Cyber Police Station Jyoti Nagar, North East District, has been handed up in Court today and the same is taken on record wherein it has been recorded as under:-

> "It is submitted that in subject case FIR wherein complainant alleged that during the period 15.10.2022 to 21.10.2022, he was cheated online for Rs. 7,49,000/- appox. on pretext of providing distributorship for Cadbury Products. The fraudsters allured the complainant over the Email communication and insist him to pay the alleged amount in parts."
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> "During investigation, it is found that the alleged cheated amount is credited in a bank account No. 4847748651 (Kotak Mahindra bank) of with fake name and address as Rishu Kumar r/o Gaya, Bihar. The address of the account holder was not traceable. However, the alleged cheated amount from this account was further transferred to 03 fake Bank Accounts from which the alleged amount was withdrawn by ATM from Patna & Nalanda region of Bihar. All these 03 bank account holders were traced in Kanpur and interrogated who belong to labour class.During interrogation they disclosed that during August September 2022, they were called at Kundli, Haryana industrial area by Manish Gupta and his associate Prince (this Petitioner) to provide job in industrial area Kundli, Haryana where they were asked to open their bank account for the purpose of crediting salary. Mobile numbers with fake documents were got registered in these bank accounts by the accused Manish Gupta and Prince. Subsequently on 21.01.2023, accused Manish Gupta was arrested in this case with recovery of Rs.

50,000/- from his possession with one mobile phone.
Upon interrogation, accused Manish Gupta disclosed about his co-accused Gopal and Prince R/o Liwaspur, Bahalgarh, Sonipat, Haryana. The Gopal was also arrested from Kundli, Haryana on the same day and recovered 4 ATM Cards, One Mobile Phone & two SIM Cards from his possession. Co-Accused Prince (Petitioner)escaped from his residence and evaded joining investigation as such he was **declared Proclaimed offender by concerned Hon'ble court on 23.03.2023**. The investigation against other accused persons is pending.

6. It is further stated in the aforesaid status report that the present applicant did not comply with the notice under Section 41 A of the Cr.P.C. and did not join the investigation. Thereafter the process under Section 82 of the Cr.P.C. was initiated *qua* the present applicant and has now been declared as proclaimed person.

7. Heard learned counsel for the parties and perused the record.

8. The fact that the three bank accounts from which the alleged money was withdrawn, was created at the instance of the present applicant in conspiracy with the other accused person, *prima facie* reflects that the applicant's involvement is deep rooted. It is also reflected in the status report that the mobile numbers with fake documents were registered with these bank accounts by the present applicant as well as his co-accused persons.

9. In view of the above, this Court is of the considered opinion that custodial interrogation of the present applicant is required to complete the investigation in the present FIR.

10. In view of the above, no grounds for anticipatory bail is made out.

11. The application is dismissed and disposed of.

12. Pending application, if any, also stands disposed of.

13. The order be uploaded on the website of this Court, *forthwith*.

AMIT SHARMA, J

MARCH 7, 2024/nk