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

+ **CRL.M.C. 1320/2022**

STATE

.....Petitioner

Through: Mr. Naresh Kumar
Chahar, APP for the State
with Insp. Neeraj Kumar,
IFSO, Spl. Cell along with
SI Mahesh.

versus

KAYYUM KHAN

.....Respondent

Through: Mr. D. Hasija, Ms. Prachi
Hasija and Mr. Surya
Shekar Kumar, Advs.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

11.11.2024

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1. By way of the present petition, the State challenges the order dated 17.08.2021 (hereafter '**the impugned order**'), passed by the learned Spl. Judge – NDPS / ASJ (South), Saket Courts, New Delhi, pursuant to which the respondent was granted pre-arrest bail in FIR No. 322/2021 dated 13.07.2021, registered at Police Station Fatehpur Beri for offences under Sections 419/420/120B/34 of the Indian Penal Code, 1860 ('**IPC**').

2. The FIR was registered alleging that a secret information was received that a fake call centre was being operated from the premises Khasra No. 314, Ground Floor, Mandi Road, Sultanpur, Fatehpur Beri, New Delhi.

3. It is claimed that a raid was conducted on the said premises and 26 persons including 5 women were apprehended and were found to be operating a fake call center and were engaged in committing online cyber fraud / cheating with foreign nationals.

4. The learned ASJ noted that all the material for the purpose of investigation, that is, computer, Wi-Fi router, etc. have already

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- been seized by the police and therefore cannot be tampered with.
5. It was further noted that not even a single victim has been traced as yet who has been cheated through the alleged fake call centre.
 6. On being pointedly asked, the learned Additional Public Prosecutor for the State submits that even now no victim has been contacted even though efforts were made by the Investigating Officer.
 7. The Investigating Officer further submits that the data from the computers seized has also not been examined as yet.
 8. The allegations have been made in the status report stating that the call centre was fake and was used for committing online cyber fraud and cheating foreign nationals. It is alleged that large number of computers were installed and data of the foreign nationals was collected for the purpose of committing the alleged fraud.
 9. The FIR was registered way back on 13.07.2021.
 10. As noted above, neither any victim has been contacted till date nor the data from the computers has been examined as yet. Thus, at this stage, it is not even understood as to how victims have been cheated and whether any one has at all been cheated.
 11. It is not alleged by the prosecution that the applicant has not joined investigation.
 12. It is trite law that an order granting bail ought not to be disturbed unless there are strong reasons to do so. The party seeking cancelation of bail must establish a compelling case and demonstrate that the said order was illegal, unjust or improper.
 13. It is also to be borne in mind that at the pre-conviction stage, there is a presumption of innocence. Detention is not



supposed to be punitive or preventive.

14. In view of the above, this Court does not consider it apposite to interfere with the impugned order.

15. The present petition is, therefore, dismissed.

AMIT MAHAJAN, J

NOVEMBER 11, 2024

'KD'/'SK'