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

\+ BAIL APPLN. 903/2024

ANKUR SAINI .....Petitioner

Through: Mr. Mukesh Kumar Singh, Advocate.

versus

STATE THROUGH GOVERNMENT OF NCT OF DELHI .....Respondent

Through: Mr. Pradeep Gahalot, APP for State along with Insp. Dinesh Kumar, PS: Janakpuri.

CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

% **22.08.2024**

1. This petition has been filed seeking anticipatory bail in FIR no. 79/2024 registered at PS Janakpuri, New Delhi, under Sections 419/420/120B IPC & Section 66C/66D IT Act.

2. Previously, petitioner had been granted interim protection by orders of this Court. A detailed status report has now been filed pursuant to a submission made by APP that alleged fraud is more than Rs. 4.88 crores and relates to multiple complaints of being duped by a fake call centre.

3. As per the case of the prosecution, a raid was conducted on the intervening night of 15/16 February, 2024, where four co-accused

namely Sarvgya Tripathi, Dheeaj, Saurabh Sethi, and Puneet Kumar were found running a fake call centre at Assalatpur Village, Delhi. These were employees working on fixed salary as tele-callers. All of them stated that they were working at the behest of petitioner/accused Ankur Saini.

4. The *modus operandi* as revealed by a subsequent investigation was that they represented themselves as employees of *shine.com* to various victims and convince them that they would get a job and their service charge was only Rs. 10. The form for the same was uploaded on the domain *shinecomplaint.in*, operated by the call centre. In the process of filling the fake form and paying Rs.10, payment details were obtained from the various customers and an OTP was generated, and by using the payment details at the back end, amounts were diverted, when the persons used the said OTP.

5. The investigation has revealed that a large number of victims across India have been cheated by accused persons. Though, the petitioner joined the investigation but did not cooperate as per the Status Report.

6. He deceived the IO by stating that he was not available on a particular date when he was at his village Budhana, Distt, Muzaffar Nagar, Delhi, whereas CDR of his mobile number showed that his location was in Delhi.

7. Further two FIRs being no. 109/2024 under Section 420 IPC & 66C IT Act at PS Puzhal Crime, Chennai and FIR 136/2024 under

Section 66 (C&D) IT Act registered at PS Marathahlli Bangaluru City have also been found registered against him.

8. Aside from this, an Inter-State Analysis Report, submitted by the State, has revealed that 1174 cases and 78 FIRs of different cities and Union Territories are linked to the mobile numbers/ IMEI numbers and bank details found in possession of the four co-accused, details of which have been appended along with Status Report. Though counsel for the petitioner argues that they are not related to him, but considering there has been a direct link between the co-accused and the petitioner herein, as per the investigation, there is a necessity to unearth the length, breadth and depth of the conspiracy.

9. Counsel for the petitioner contends that the petitioner has joined the investigation and therefore it may be continued. In ***Sumitha Pradeep v. Arun Kumar C.K.***, 2022 SCC OnLine SC 1529, Supreme Court propounded as follows, with regard to consideration while deciding an application under section 438 of the Code of Criminal Procedure, 1973:

> "16. …. *In many anticipatory bail matters, we have noticed one common argument being canvassed that no custodial interrogation is required and, therefore, anticipatory bail may be granted. There appears to be a serious misconception of law that if no case for custodial interrogation is made out by the prosecution, then that alone would be a good ground to grant anticipatory bail. Custodial interrogation can be one of the relevant aspects to be considered along with other grounds while deciding an application seeking anticipatory bail. There may be many cases in which the custodial interrogation of the accused may not be required, but that does not mean that the prima facie case against the accused should be ignored or overlooked and he should be granted anticipatory bail. The first and foremost thing that the court hearing an anticipatory bail application should consider is*

the prima facie case put up against the accused. Thereafter, the nature of the offence should be looked into along with the severity of the punishment. Custodial interrogation can be one of the grounds to decline anticipatory bail. However, even if custodial interrogation is not required or necessitated, by itself, cannot be a ground to grant anticipatory bail."

10. In these circumstances, considering a large-scale fraud has been allegedly perpetrated by the accused, along with the co-accused, the Court is not inclined to allow this petition; accordingly, the petition is dismissed.

11. Order be uploaded on the website of this Court.

ANISH DAYAL, J

AUGUST 22, 2024/RK

Click here to check corrigendum, if any