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

\+ CRL.M.C. 2509/2023

ROMAIN RANCIERE .....Petitioner

Through: Ms. Antara Mishra, Mr. Kuldeep Jauhari, Mr. Karan Ahuja and Ms. Alka Nupur Singh, Advocates.

versus

CENTRAL BUREAU OF INVESTIGATION & ANR.....Respondents

Through: Mr. Ravi Sharma, SPP with Mr. Prem Tosh K. Mishra, Mr. Praphull Kumar, Mr. Ishann Bhardwaj and Ms. Madhulika Rai Sharma, Advocates for respondent No.1.
Ms. Jayanthi Jha, Advocate for respondent No.2.

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

% **04.09.2024**

1. By way of the present petition, the petitioner, who is a complainant, is aggrieved by the order dated 23.03.2023 vide which the respondent No.2 has been admitted to regular bail.

2. Learned counsel for the petitioner submits that in the present case, respondent No.2 has firstly created a fake ID on Facebook in the name of one *KV* by uploading a picture of a woman and thereafter, misused the said ID by extending friend requests to the petitioner as well as other victims. On account of the said misuse, the victim/petitioner initially were made to accept the friend request and thereafter, they were made to send private explicit video, after which respondent No.2 extorted a sum of US $ 48,000.

It is stated that besides the present complainant, other victims were also extorted of money. Additionally, it is stated that while the investigation was still pending qua the other victims, the impugned order came to be passed within four months from the arrest of the respondent No.2.

3. Mr. Ravi, ld. SPP for CBI/respondent No.1, states that no separate petition has been filed seeking cancellation and further the Status Report has been filed in support of the present petition.

4. Learned counsel for respondent No.2, on the other hand, has defended the impugned order by contending that not only the respondent No.2's accounts have been freezed, the CBI has also seized mobile phones/laptops not only of respondent No.2 but also of his family members. It is further stated that the respondent No.2 was admitted to bail on 23.03.2024 and the charge-sheet was already filed prior to passing of the impugned order.

5. I have heard the learned counsels for the parties and gone through the impugned order.

6. Petitioner and other victims are statedly not based in India and, in fact, are based in the United States of America. Charges are yet to be framed as the FSL Report is statedly pending. A reading of the impugned order would reflect that the same came to be passed on considerations mentioned in para 11 and 16 thereof which are extracted hereinbelow :-

> *"11. Ld. Counsel for the applicant/accused Rahul Kumar has made following submissions :*
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> *(a) In the present case investigation is complete and Chargesheet has already been filed therefore, no purpose would be served by keeping the applicant/accused behind the bar.*

> (b) *Applicant/accused is in judicial custody for around 4 months.*
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> (c) *The bank accounts of the applicant/accused in which the money was allegedly received, has already been freezed by the Investigating agency.*
>
> (d) *Mobiles of the applicant/accused and of his whole family has also been seized.*
>
> (e) *Complainants are residing in foreign country therefore the question of threatening does not arise.*
>
> (f) *The articles were received by the applicant/accused as gift.*
>
> (g) *Applicant/accused is 62% physically impaired.*
>
> (h) *Applicant/accused has clean antecedents.*
>
> (i) *Ld Counsel has placed reliance on following authorities:*
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> (j) *Chidambaram. P. Vs Directorate of Enforcement , (2019) (16) Scale 870.*
>
> *(ii) Main Roshin VS State of Kerala on 13 October, 2020 (Kerala High Court)*
>
> *16. Applicant/Accused is stated to be in JC since 1.12.2022 and chargesheet has already been filed. Trial Court Records would indicate that case is fixed for argument on charge on 27.3.2023. Investigation qua victim no.1 has already been completed. It is true that further investigation is pending qua rest of the victims but it is not denied that it will take some more time as the victims are resident of USA and IO has proceeded to contact them through MLAT process."*

7. The offence alleged against respondent No.2 entails maximum punishment of 7 years. Considering the fact that the respondent No.2 is

statedly 62% physically challenged and the charge-sheet having been filed and also the fact that the victims are based aboard, there is no allegation or apprehension of tempering with the evidence. Further more than one and half year has passed since passing of the impugned order and even charges have not been framed, and thus I find no ground to interfere with the impugned order. Consequently, the petition is dismissed.

MANOJ KUMAR OHRI, J

SEPTEMBER 4, 2024
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