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

+ **BAIL APPLN. 1189/2024**

AKASH KUMAR

.....Petitioner

Through: Mr. SPM Gripathi, Ms. Jahanvi
Worah, Mr. Ashish Tiwary, Mr.
Deepak Sharma, Advs.

versus

STATE OF NCT DELHI

.....Respondent

Through: Mr. Mukesh Kumar, APP for the
State with Inspector Vipin Kumar, PS
V.K. South

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

09.10.2024

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1. The present bail application has been filed under Section 439 of Cr.P.C. seeking grant of regular bail in FIR no. 0429/2023 registered under Section 420/468/471/120B IPC at PS: Vasant Kunj (South).
2. Learned counsel for the petitioner submits that the name of the petitioner did not appear in the FIR. Learned counsel submits that even as per the case of the prosecution, the only allegation against the petitioner is that the co-accused persons had made video calls to the petitioner and introduced him as an overseas head. It was further alleged that the petitioner also conducted the interviews of some of the candidates through video call. Learned counsel submits that the petitioner is in custody since 09.08.2023. Learned counsel also submits that the



remaining co-accused persons have already been arrested and the supplementary charge-sheet has been filed. Learned counsel submits that merely because the accused is involved in similar type of cases, the bail application may not be rejected in the present case. Learned counsel submits that in case FIRs no. 568/2023 and 569/2023, the petitioner has already been admitted to bail. Learned counsel submits that therefore, the petitioner may be admitted to regular bail. Learned counsel submits that since that charge-sheet has been filed, investigation has been completed and the trial may take long time.

3. Learned APP for the State has strongly opposed the bail application. Learned APP submits that the present petitioner is one of the masterminds and he has been involving himself in similar type of cases. It has further been submitted that during the course of inquiry, it has been found that the complainant, Mr. Mohd Islam, stated that the present petitioner had taken Rs. 10 lakhs in cash from him in Jaipur on 05.07.2023. Learned APP submits that the present petitioner was arrested on a secret information as well as the technical surveillance. It has been submitted 3 mobile phones, 10 passports, one PC with inbuilt hard drive, 4 Fake Stamps (Jordan visa and others) along with the cash amount of Rs. 1,97,000/- were recovered. Learned APP further submits that the present petitioner was recently arrested and is in custody in case FIR no. 569/2023.
4. As per the status report, predominantly, the material against the present petitioner is that he was introduced as overseas agent by the co-accused persons and was also taken on video call for conducting interviews. Besides that, the recovery of the passports, visa, fake stamps were



effected from the petitioner along with the mobile phones. It has also been submitted that the petitioner is also involved in other cases.

5. It is a matter of record that the charge-sheet has already been filed. The criteria for grant of bail in heinous offences are very well settled. The consideration to be taken into account while grant of regular bail are the nature and gravity of the respondent's accusations and the antecedents of the applicant, possibility of the Applicant to flee from justice, the possibility of threatening and intimidating the witnesses and other circumstances. However, it is a settled rule that the Court at the stage of the bail cannot hold mini trials and has to see only the *prima facie* case as produced by the prosecution. As far as the criminal antecedents are concerned, it alone cannot be the ground to refute the bail. Reliance can be placed upon ***Prabhakar Tewari vs. State of Uttar Pradesh***, 2020(11) SCC and ***Darwan Singh vs. State of NCT of Delhi*** in bail application no. 3655/2023. The reason for this is that every bail application must be considered on its peculiar facts and circumstances.
6. The investigation in the present case is complete. As per nominal roll dated 02.05.2024, the present petitioner is of 26 years of age and in custody since 09.08.2023. The trial may take long time.
7. In the peculiar facts and circumstances, the petitioner is admitted to regular bail upon furnishing a personal bond of Rs. 20,000/- with one surety of the like amount to the satisfaction of the concerned learned trial court, subject to the verification of address and provide his mobile number(s) and subject to the following further conditions:
 - a) the petitioner shall regularly appear before the IO/trial court as and when directed;



- b) the petitioner shall not directly or indirectly make any inducement, threat, intimidate or tamper with any person acquainted with the facts of the case;
 - c) the petitioner shall remain available on the address, to be given to the IO and shall not leave the country without the permission of the learned Trial Court;
 - d) In case of change of residential address and/or mobile number, the petitioner shall intimate the same to the Investigating Officer/ Court concerned by way of an affidavit.
8. With the above directions, the application is disposed of.
9. A copy of this order be sent to concerned Jail Superintendent for information and necessary compliance.

DINESH KUMAR SHARMA, J

OCTOBER 9, 2024
JN/KR..