



\$~4

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

+ **BAIL APPLN. 1614/2024**

UMESH MISHRA

..... Applicant

Through: Mr. Rajat Katyal &
Mr. Rahul Sambher, Advs.

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Ajay Vikram Singh,
APP for the State.
SI Mandeep, PS- Saket

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

28.08.2024

%

1. The present application is filed seeking pre-arrest bail in FIR No. 379/2020 dated 23.12.2020, registered at Police Station Saket for offences under Sections 419/420 of the Indian Penal Code, 1860 ('IPC').

2. The FIR was registered pursuant to a secret information that a call centre was being fraudulently run and the same was luring the victims to various prize-winning contests, and that the victims were deceived through online shopping methods. A raid was conducted at F-327/1, Lado Sarai, Delhi.

3. It is alleged that one person, namely, Rajesh, was found working on the computer and, he on interrogation, disclosed that he, along with his partners including the present applicant, have been running a fraudulent call centre under the name *Wild Fashion Company*.



4. It is alleged that the accused, Rajesh, disclosed that everyone in the call centre was aware of the fraud and cheating being perpetrated on innocent people.

5. Certain persons were arrested during the course of investigation. Admittedly, all the accused persons who were arrested have already been granted bail by the Courts.

6. It is undisputed that the applicant had joined investigation on earlier occasions on 17.11.2021 and 18.11.2021. On being pointedly asked, it was informed by the Investigating Officer that the applicant was not called for further investigation thereafter.

7. This Court, by order dated 09.05.2024, had directed the State not to arrest the applicant subject to him joining and cooperating with the investigation.

8. It is not disputed that the applicant has again joined investigation.

9. The FIR was registered way back on 23.12.2020. Admittedly, certain people were arrested during the course of investigation. This Court has not been able to understand as to why the chargesheet, in the present case, has not been filed till date, despite more than three and a half years having elapsed since the raid was conducted for the first time on 22.12.2020.

10. It is apparent that the applicant is not required for any custodial interrogation. It is also not clear whether the State is serious in proceeding further in the present matter.

11. In view of the above, the present application is allowed and in the event of arrest, the applicant is directed to be



released on bail on furnishing a personal bond of ₹50,000/- with one surety of the like amount, subject to the satisfaction of the concerned SHO, on the following conditions:

- a. The applicant shall join and cooperate with the investigation, if required, as and when directed by the IO;
- b. The applicant shall not leave the Country without the prior permission of the learned Trial Court;
- c. The applicant shall not contact the complainant / witnesses or tamper with the evidence in any manner;
- d. The applicant shall appear before the learned Trial Court on every date of hearing;
- e. The applicant shall give his mobile number to the concerned IO/SHO and shall keep his mobile phone switched on at all times.

12. The present bail application is allowed in the aforesaid terms. It is clarified that the observations made in the present order are only for the purpose of considering the bail application and should not influence the outcome of the trial and also not be taken as an expression of opinion on the merits of the case.

AMIT MAHAJAN, J

AUGUST 28, 2024

“SS”