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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ BAIL APPLN. 4063/2021 & CRL.M.(BAIL) 1366/2021
GAURAV KUMAR AGGARWAL Applicant
Through: Mr. Akshat Sharma, Adv.

versus

THE STATE Respondent
Through: Mr. Pradeep Gahlot, APP
for the State with SK Jay
Prakash, PS Inderpuri, SI
Sandeep Mathur, District
Outer North.

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER
12.02.2024

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1. The present application is filed under Section 438 of the Code of Criminal Procedure, 1973 ('CrPC') seeking pre-arrest bail in FIR No.284/2021 dated 13.08.2021 registered at Police Station Inderpuri for offences punishable under Sections 420/120B of the Indian Penal Code, 1860.
 2. The FIR was registered on a complaint given by one, Mansi Mehta, alleging that on 07.08.2021, she received a call wherein the caller impersonated himself as someone from 'monster.com', and took her details, as she had applied for a job on the said website. It is alleged that he, at that stage, asked for a transfer of some amount of money and told the complainant that the said amount of money will be refunded.
 3. It is alleged that the complainant was duped for a total sum of ₹96,652/-, by way of multiple transactions. The said complaint was also registered at the Cyber Crime Portal.
 4. The learned counsel for the applicant submits that there
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was no recovery made at the instance of the present applicant and his name only came in the disclosure statement of one co-accused, Abhishek, that the present applicant was running an alleged call centre.

5. He submits that the beneficiary of the alleged cheated amount has already been granted bail by the learned Trial Court by order dated 18.10.2021. He further submits that the learned Trial Court, while granting the bail to the co-accused, also recorded that the alleged cheated amount has already been returned to the complainant.

6. This Court by order dated 17.11.2021, had directed the respondent not to take coercive action against the applicant on him joining the investigation. It is not disputed that the applicant has since joined the investigation on many occasions.

7. Considering the aforesaid fact that the cheated amount has already been returned to the complainant and the beneficiary of the cheated amount has already been released on bail and the fact that the applicant has been joining the investigation for the last two years, this Court is of the opinion that the applicant is not required for any custodial interrogation. The application is, therefore, allowed.

8. In the event of arrest, the applicant is directed to be released on bail on furnishing a personal bail bond for a sum of ₹10,000/- (Rupees Ten Thousand Only) with one surety of the like amount to the satisfaction of the concerned SHO, subject to the following conditions:

- a. The applicant shall join and cooperate with further investigation as and when directed by the Investigating Officer;
- b. The applicant shall not tamper with the evidence in any

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manner;

- c. The applicant under no circumstance shall contact the complainant or any of the witnesses;
 - d. The applicant shall not leave the country without taking permission from the learned Trial Court;
 - e. The applicant shall provide his mobile number to the Investigating Officer during the course of the day and keep his mobile phone switched on at all times.
9. In the event of there being any FIR/DD entry/ complaint lodged against the present applicant, it would be open for the State, to seek redressal by way of cancellation of bail.
10. It is clarified that the observations made in the present order are for the purpose of deciding the present pre-arrest bail application, and should not influence the outcome of the Trial and should not be taken, as an expression of opinion, on the merits of the case.
11. The present application is allowed in the aforementioned terms. Pending application also stands disposed of.

AMIT MAHAJAN, J

FEBRUARY 12, 2024
“SK”