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

\+ BAIL APPLN. 2057/2024

SUBHAM SAINI .....Petitioner

Through: Mr. Vishal Arun Mishra, Mr. Vivek Kumar Singh, Ms. Rupali Panwar, Mr. Saurabh Sharma and Mr. Umang Mangal, Advocates.

versus

STATE NCT OF DELHI .....Respondent

Through: Ms. Manjeet Arya, APP for State with SI Arvind, PS: Cyber North.

CORAM:
HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

% **11.07.2024**

1. An application under Section 438 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been preferred on behalf of the petitioner for grant of anticipatory bail in FIR No. 0016/2024, under Sections 420/34 IPC, registered at PS: Cyber Police Station, North Delhi.

2. In brief, as per the case of prosecution, present FIR was registered on complaint of Dr. Jazeel Muhammad working at Hindu Rao Hospital, Delhi, regarding cheating of Rs. 95,000/-. He alleged that while he was searching for a tour package online, he opened up webpage of Canaves Continental Resorts and Spa Pvt. Ltd. Thereafter, he along with his family visited Manali, wherein, he was approached by Deepak Sharma and Abhishek Verma, who claimed to be employee and manager of the aforesaid company. Further, under false pretence, they persuaded the complainant to avail a package and attend a one hour seminar for membership by paying only Rs. 2/- from his Debit Card. Later on, complainant got to know that the accused had fraudulently obtained a loan of Rs.95,000/- in his name without his knowledge on the said debit card from which payment of Rs. 2/- was made.

3. During the course of investigation, it was revealed that Canaves Continental Resorts and Spa Pvt. Ltd. did not exist at the provided address in Noida, U.P. On the basis of surveillance, the suspected mobile numbers and bank accounts zeroed in on the location of the alleged calling number in Rohini and Mandawali, Delhi, which was followed by a raid on 17.04.2024. Raids were also conducted at Shimla, Himachal Pradesh and Shiv Vihar, Karawal Nagar, Delhi, wherein, accused Abhishek and Karan Majumdar (Directors of the said company) and Abhishek Verma were apprehended. It was further revealed that the potential travelers were cheated upon by offering deals on hotels and resorts with the aid of petitioner by using fake IDs and documents.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated and a written agreement had been signed by the complainant at the time of availing the said loan of Rs. 95,000/-. He further submits that company is duly registered with the Ministry of Corporate Affairs and is operating from different address.

5. On the other hand, learned APP for the State vehemently opposes the application and submits that petitioner is one of the Directors of the said company and also a beneficiary to the said fraud. An amount of Rs. 55,85,403/- is stated to have been transferred to petitioner's personal bank account from the bank account of Canaves Continental Resorts and Spa Pvt. Ltd. She further submits that petitioner has been avoiding joining investigation and the said company was also not found functioning at the given address.

6. Considering the facts and circumstances of the case, since the petitioner is one of the beneficiaries of fraud, whereby innocent travelers are alleged to have been duped, no grounds for anticipatory bail are made out.

Application is accordingly dismissed. Pending applications, if any, also stand disposed of.

ANOOP KUMAR MENDIRATTA, J.

JULY 11, 2024/*R*