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

\+ BAIL APPLN. 2381/2024

RISHABH GAHLOT .....Petitioner

Through: Mr. Abhir Dattt, Mr. Kunal Sharma, Mr. Debayan Gangopadhyay, Mr. Yash Punjabi, Mr. Himanshu Sharma and Mr. Puneet Rathore, Advs.

versus

STATE (NCT OF DELHI) .....Respondent

Through: Mr. Aman Usman, APP for the State with SI Lakhan, PS EOW.
Mr. Anirudh Yadav, Adv. for complainant.

CORAM:
HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

O R D E R

% **23.08.2024**

1. An application under Section 439 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been preferred on behalf of the petitioner for grant of regular bail in FIR No. 45/2021 under Sections 406/409/420/120B/506 IPC registered at P.S.: Economic Offences Wing. Chargesheet has been filed under Sections 406/419/420/120B/506/174A IPC.

2. In brief, as per the case of prosecution, present FIR was registered on complaint of Urmila Gahlot who alleged that she was cheated to the tune of Rs. 8 crores by Rishabh Gahlot (petitioner) and others over a period of time through inducement and misrepresentation on numerous pretexts such as providing government job to her son and daughter, providing tenders in MTNL, BMW and Google, investing in Committees etc. She further alleged that accused in conspiracy projected and represented an already married

person as a suitable match for her daughter Tanvi Gahlot and complainant was made to pay more money on one pretext or the other. She further stated that one of the accused, namely Nitin represented himself as Sub-Inspector in CBI who further took an amount of Rs. 60 lakhs from the complainant on false pretext of recovering money from the other accused.

3. It is further the case of prosecution that during course of investigation, on the basis of WhatsApp chats and other evidence, it was revealed that an amount of Rs. 1,62,00,000/- was transferred by the complainant side to Rishabh Gahlot (petitioner) out of which Rs. 10 lakhs was directly transferred into his bank account. It was also revealed that petitioner impersonated himself as one 'Shaurya' and started chatting with Tanvi Gahlot (daughter of complainant), and misrepresented that he had obtained the franchise of G. D. Goenka School in Gurgaon, Haryana. He also offered Tanvi Gahlot to work as Director/Principal of the aforesaid school. Out of the amounts taken by petitioner, Rs. 7 lakh is stated to have been obtained by petitioner for getting her a government job. Also, a sum of Rs. 15 lakhs was obtained by Shaurya (impersonated by petitioner-Rishabh Gahlot) for purpose of operation of son of his sister on 23.10.2017. It is further informed by IO that the digital devices have been seized and forwarded to FSL for examination.

4. Learned counsel for the petitioner submits that the offences are alleged to have been committed during the period of 2016-2018, but, the FIR was registered only in the year 2021. He further submits that petitioner had no role and one Ravinder Dagar misrepresented to the complainant. He further submits that allegations of impersonation against the petitioner are also incorrect and the concerned person named Jitender Bablu has not been arrested by the investigating agency. He emphasises that WhatsApp chats

between Ravider Dagar and complainant Urmila Gahlot supports the contention of the petitioner. He further urges that co-accused Pankaj who was interrogated has not been arrested and the chargesheet has been filed only qua the petitioner. He also points out that Nitin who is alleged to have impersonated and represented himself as Sub-Inspector in CBI has not been arrested. It is also contended that mobile phone of the petitioner was not seized and investigation is only on the basis of mobile phone handed over by the complainant.

Reliance is further placed upon ***Manish Sisodia v. Directorate of Enforcement,*** SLP (CRIMINAL) No. 8781 of 2024; ***Sanjay Chandra v. CBI,*** 2021 1 SCC 40; ***Sanjeeva Shukla v. State NCT of Delhi***, 2023 SCC OnLine DEL 5326; ***Ajay Kumar v. State NCT of Delhi,*** 2023 SCC OnLine DEL 7303 and ***Rajat Sharma v. State NCT of Delhi,*** 2015 SCC OnLine DEL 8914.

5. On the other hand, learned APP for the State along with learned counsel for complainant vehemently opposes the application and submits that petitioner was declared a proclaimed offender during the course of proceedings on 30.06.2023 and could be subsequently arrested only on 20.07.2023. He further submits that after registration of present FIR, complainant has been threatened by petitioner and other members, and two FIRs in this regard already stand registered. One of the FIRs is stated to be registered against the petitioner while the other FIR has been registered against the brother of the petitioner. He further submits that petitioner had given three post-dated cheques amounting to Rs. 1,04,50,000/- to the complainant which were dishonoured. He further points out that the chargesheet has been presently filed against the petitioner, and proceedings are still under investigation qua the co-accused. Furthermore, the payment of

amount to accused is stated to be corroborated on the basis of WhatsApp chats and other evidence.

6. In rebuttal, it is submitted by learned counsel for petitioner that an FIR has also been filed on behalf of Rishabh Gahlot (petitioner). Learned APP for the State clarifies that cancellation report has already been filed in respect of said FIR.

7. I have given considered thought to the contentions raised.

The proposition of law referred to in authorities referred by learned counsel for petitioner is not disputed but it is pertinent to note that registration of FIRs against the petitioner and his brother at instance of complainant reflect that the witnesses may be influenced in case the petitioner is released on bail at this stage. Further, it cannot be ignored that petitioner was arrested only after PO proceedings were initiated against him and had been evading arrest since 2021. The investigation qua co-accused is still continuing. Considering the totality of facts and circumstances and *prima facie* evidence on record whereby the complainant has been duped of large amount by impersonation and misrepresentation, no grounds for bail are made out at this stage.

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

ANOOP KUMAR MENDIRATTA, J.

AUGUST 23, 2024

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