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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 2396/2024, CRL.M.A. 20149/2024 (Exemption)**

VIKAS MEENAPetitioner

Through: Mr. Himanshu Tyagi, Advocate.

versus

STATE OF NCT OF DELHIRespondent

Through: Mr. Amit Ahlawat, APP for the State
with SI Tasveer Mathur, PS Bawana
Cyber.

CORAM:
HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

% **12.07.2024**

CRL.M.A. 20148/2024 (Exemption)

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

BAIL APPLN. 2396/2024 (under Section 438 of CrPC filed by the petitioner for grant of Anticipatory Bail)

3. The application under Section 438 of CrPC has been filed on behalf of the petitioner seeking anticipatory bail.
4. Status report has been filed. Let the same be taken on record.
5. In the Status Report, it is stated, during investigation, the family members of the deceased made allegations that the deceased was being pressurised by some unknown persons involved in online fraud, following which it was discovered that the deceased had transferred some money to



some unknown persons through UPI. The mobile phone of the deceased was sent to FSL examination and the results have been obtained.

6. Subsequently, the Investigating Agency made several arrests and the applicant's name was mentioned in the Disclosure statement of one of the accused namely Vijendra Meena. Further investigations revealed that total four transactions have been made in the account of accused Vikas Meena. It has been revealed that six complaints in different States, had been received about the fraud committed and the money transferred to this account. Another account number has also been identified of the accused to cheat the public and the same has been reported as fraudulent account.

7. During investigation, a Notice under Section 41A CrPC was served at the address of the accused Vikas Meena on 11.06.2024 for 14.06.2024, but he did not join the investigation. Moreover, the first Anticipatory bail application before the Hon'ble Sessions Court, has already been dismissed vide Order dated 15.06.2024.

8. It is further submitted that the accused is kingpin and running a syndicate in connivance of other co-accused person namely Vijender Meena, Ankur Meena, Vikas(2), Badal Meena, Kalpana Meena, Antoshi Meena etc. The other accused are also yet to be interrogated in detail.

9. The anticipatory bail is opposed on the grounds, as under:-

1. The mobile phone used is yet to be recovered and custodial interrogation is required to burst the syndicate.
2. The accused is the direct beneficiary of the cheated amount.
3. The accused has also cheated many people in 7 other states.
4. The online-cyber-crime is a continuing offence and the accused may be involved presently in many other similar activities, which



needs to be investigated.

5. There is a likelihood that the accused may hamper the investigation and destroy the relevant electronic records.

6. Lastly, the accused may help the accused persons.

10. **Learned counsel for the petitioner** in his bail application has submitted that the main accused Vijender Meena has already been released on regular bail by the learned Sessions Court vide Order dated 08.04.2024. The accused undertakes to extend full co-operation in the investigation and that he shall not extend any direct or indirect inducement to any person acquainted with the facts of the case. It is further submitted that pursuant to the Notice under Section 41 A CrPC, he had already joined the investigation on 14.06.2024 and is willing to join further investigations.

11. Further, the accused was never in contact or had any interaction with the deceased. He had neither met the deceased nor had any knowledge about the alleged dishonest and fraudulent inducement to the deceased, to transfer the money or in abetting the suicide. There is no connection between the applicant and the deceased. The petitioner has relied upon Sushila Aggarwal vs. State (NCT) of Delhi, (2020) 2 Scale 772, in support of his assertions. Hence, the anticipatory bail is sought.

12. **Learned APP for the State has further pointed out** that the IO had approached the accused Vikas Meena for interrogation. He had received the threats on the next date from one Deepak, PA to an MP from Rajasthan and one Rukemkesh, the relative of the accused, who had extended threats that against any investigation in the matter to be done or the accused called for the investigation in respect of which a DD Entry No. 9A dated 10.07.2024 has also been recorded. It is further submitted that it is only after the bail



was granted to the co-accused that the matter got referred to the Cyber Crime Branch. Thereafter, the huge fraud has been discovered, which needs further investigation. The bail is opposed by the learned APP for the State.

13. Submissions heard.

14. According to the prosecution case, on 23.01.2024, a call was received regarding a young man having committed suicide by hanging. Upon investigation, it was found that the deceased Nischay Thakran @ Nishu, an 18 year old r/o H.No 581, Jaildar Chowk, Village Bajitpur Thakran, Delhi, had committed suicide and had left a suicide note wherein he mentioned about his distress and stated his apologies to the family members of not being able to fulfil his family's dreams. The deceased mentioned regarding pressure imposed by family members specifically Naresh Dada and Dadi, who had allegedly told him to die.

15. After the registration of the FIR, further investigation has revealed about the huge Cyber fraud involving many States, which requires further investigations. Furthermore, though it is claimed that the accused had joined on one day but as explained by the IO, he answered only three questions and the second time, when he was requested to join the investigation, threats were received from his relatives and people of influence, to desist the IO from any further investigation. Furthermore, the IO needs to custodial interrogation for recovery of the mobile phone and for further investigation.

16. In this backdrop, no case is made out for grant of anticipatory bail, which is hereby dismissed.



17. The bail application disposed of along with the pending application.

NEENA BANSAL KRISHNA, J

JULY 12, 2024/RS