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

+ **BAIL APPLN. 3677/2023**

AJAY RAVINDRA PARDESHI

..... Petitioner

Through: Mr. Ankit Rana, Mr. Tushar
Rohmetra and Mr. Hitesh Kumar,
Advs.

versus

STATE OF NCT OF DELHI

..... Respondent

Through: Mr. Ritesh Kumar Bahri, APP for
State with Insp. Shiv Dev, PS.
IFSO/Special Cell.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

20.03.2024

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1. The present petition has been filed under Section 439 Cr.P.C. seeking regular bail in connection with FIR No.81/2023 under Sections 419/420 IPC and Section 66D of Information Technology Act, 2000 (subsequently, Section 201 IPC and Section 66C of IT Act, were added in the charge sheet) registered at Police Station Special Cell.

2. The case of the prosecution is that petitioner created a fake website i.e., rectt-territorialarmy.co.in (territorial army) and thereafter, by way of multiple transactions in the sum of Rs.250/- each, total amounting to Rs.1,37,150/-, was received in the Razor Pay Account maintained in the name of petitioner's sister during the period from 06.03.2023 to 09.03.2023. During investigation, the mobile number used in operating the Razor Pay Account was found to be registered in the name of the petitioner. This led to the registration of the aforesaid FIR.

3. The learned counsel for the petitioner submits that the allegation against the petitioner is that he received an amount of Rs.250/- from 563



individuals and the said sum was collected over a period of three days. He further submits that out of the total amount of Rs.1,37,150/- received, a sum of Rs. 97,000/- is still lying in the Razor Pay Account.

4. He submits that the petitioner is already in custody since 25.04.2023, the investigation is complete and the charge sheet has been filed, therefore, the custody of the petitioner is no more required. He further submits that the petitioner has clean antecedents and he is not a flight risk. In this backdrop, the learned counsel urges this Court to enlarge the petitioner on bail.

5. *Per contra*, the learned APP for the State has argued on the lines of the Status Report.

6. I have heard the learned counsel for the petitioner, as well as, the learned APP for the State and have perused the record.

7. It is not in dispute that the allegations against the petitioner is with regard to the collection of Rs. 250/- each from 563 individuals over a period of three days and out of the said amount, a sum of Rs.97,000/- is lying with the Razor Pay account which has been freezed by the Investigating Agency.

8. It is also not in dispute that the allegation in the present case are all based on documentary evidence and the same has already been made part of the charge sheet which stands filed, therefore, the custody of the petitioner, who is incarcerated since 25.04.2023, is no more required for any recovery purpose.

9. It is also not the case of the prosecution in the status report that the petitioner is a flight risk.

10. On query posed by the Court, the learned APP on instructions from the I.O, fairly states that the petitioner does not have any criminal record.

11. Considering the aforesaid circumstances in entirety, this Court is of



the view that the petitioner has made out a case for grant of regular bail. Accordingly, the petitioner is enlarged on bail subject to his furnishing a Personal Bond in the sum of Rs. 25,000/- and one Surety Bond of the like amount to the satisfaction of the Trial Court/CMM/Duty Magistrate, further subject to the following conditions:-

- a) Petitioner shall not leave the Delhi/NCR without prior permission of the Court.
 - b) Petitioner shall appear before the Court as and when the matter is taken up for hearing.
 - c) Petitioner shall provide mobile number to the IO concerned which shall be kept in working condition at all times and he shall not change the mobile number without prior intimation to the Investigating Officer concerned.
 - d) Petitioner shall not indulge in any criminal activity and shall not communicate with or come in contact with the witnesses.
12. The petition stands disposed of.
 13. It is made clear that nothing stated above is to be construed as an expression of opinion on the merits of the case.
 14. Copy of the order be forwarded to the concerned Jail Superintendent for necessary compliance and information.
 15. Order *dasti* under signatures of the Court Master.
 16. Order be uploaded on the website of this Court.

VIKAS MAHAJAN, J

MARCH 20, 2024/dss