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

+ **BAIL APPLN. 3757/2023**

RAMESH ARYA

..... Petitioner

Through: Appearance not given.

versus

STATE OF NCT OF DELHI & ANR.

..... Respondents

Through: Mr. Aashneet Singh, APP for State
with SI Anupama Rathi, PS. AGS,
Crime Branch.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

% **15.01.2024**

1. The present petition has been filed under Section 439 CrPC seeking regular bail in connection with FIR No. 111/2023 under Sections 419/420/465/467/468/471/472/120B/34 IPC and Section 12 of Passport Act, 1976 registered at Police Station Crime Branch.
2. The case of the prosecution as borne out from the Status Report is that on 02.05.2023, secret information was received at the office of AGS, Crime Branch to the effect that an illegal racket of the procurement of visa of different countries by unlawful means is being operated by one individual, namely, Himanshu Mehta. A raid was conducted and co-accused Himsanshu Mehta was apprehended from his house at Uttam Nagar and he pointed out towards premises i.e. 71/26, 1st Floor, Prem Nagar, Tilak Nagar, Delhi (office of co-accused Girish Bhandari). He further revealed that he was working for the said co-accused and on search of the premises various articles including 80 passports, 17 seals of various companies, 5 ID Cards, 16 bank account statements and 40 ITRs and various other documents were



seized.

3. The petitioner along with co-accused Gangan Sharma was arrested from the said office during the raid and they disclosed that they were working for co-accused Girish Bhandari.

4. The learned counsel for the petitioner submits that the petitioner was working as Operations Head with Harsh Tour and Travel on a salary of Rs.14,000/- and he is not the main accused in the present FIR.

5. He submits that Girish Bhandari is the owner of Harsh Tour and Travel and he has already been enlarged on interim bail. He further submits that pursuant to the registration of the subject FIR, out of the 08 accused persons, 03 co-accused persons have been enlarged on regular bail, 02 were granted interim bail, and 01 co-accused has been granted anticipatory bail.

6. He submits that the petitioner is in custody since 02.05.2023 and the charge sheet *qua* the petitioner has been filed, therefore, the custody of the petitioner is no more required. He, therefore, urges the Court that the petitioner be enlarged on bail.

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

8. I have heard the learned counsel for the petitioner as well as the learned APP for the State and perused the records.

9. It is not in dispute that the present petitioner was only working as an employee with Harsh Tour and Travel and he had joined the said travel company only 07 months prior to the registration of FIR.

10. It is also a matter of record that 06 co-accused persons have been enlarged on regular bail, interim bail or anticipatory bail. The main accused namely, Girish Bhandari, who owns the said travel company, has been



enlarged on interim bail.

11. It is a matter of record that the investigation is now complete and the charge sheet stands filed *qua* the petitioner. The present case is otherwise based on documents and all incriminating documents have already been recovered by the investigating agency and made part of the charge sheet. Evidently, the custody of the petitioner is no longer required.

12. It is well settled that at pre-conviction stage, there is presumption of innocence. The object of keeping a person in custody is to ensure his availability to face the trial and to receive the sentence that may be awarded to him. The detention is not supposed to be punitive or preventive. The seriousness of the allegation or the availability of material in support thereof are not the only considerations for declining bail. Delay in the commencement and conclusion of trial is a factor to be taken into account and the accused cannot be kept in custody for an indefinite period if the trial is not likely to be conducted within a reasonable time.¹ At this stage, it cannot be overlooked that the petitioner has been in custody since 26.05.2023 and the prosecution has cited as many as 77 witnesses which would inevitably lead to a protracted trial. In the given circumstances, no useful purpose will be served in keeping the petitioner behind bars.

13. It is not the case of the prosecution that the petitioner has a criminal record or the petitioner is alleged to be a flight risk.

14. Considering the aforesaid facts and circumstances in entirety, I am of the view that the petitioner is entitled to 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

¹ Vinod Bhandari Vs. State of Madhya Pradesh, (2015) 11 SCC 502



satisfaction of the Trial Court/CMM/Duty Magistrate, further subject to the following conditions:-

- a) Petitioner shall not leave the Delhi 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.
15. The petition is disposed of.
 16. Copy of the order be forwarded to the concerned Jail Superintendent for necessary compliance.
 17. Order *dasti* under signatures of the Court Master.
 18. Order be uploaded on the website of this Court.

VIKAS MAHAJAN, J

JANUARY 15, 2024/dss