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

\+ BAIL APPLN. 2723/2024

RAJU KHAN .....Petitioner

Through: Mr. Raja Chatterjee, Ms. Riya Dutta, Mr. Anupama Gupta, Mr. Adeel Ahmed, Mr. Piyush Sachdev, Ms. Sana Parveen and Mr. Amir Seikh, Advocates.

versus

STATE OF NCT OF DELHI .....Respondent

Through: Mr. Aman Usman, APP for the State with SI Rakesh Kumar, Crime Branch.

CORAM:
HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

O R D E R

% 02.08.2024

CRL.M.A. 22737/2024

Exemption allowed, subject to just exceptions.

Application stands disposed of.

BAIL APPLN. 2723/2024

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. 250/2023 under Sections 420/467/468/120B IPC registered at P.S.: Crime Branch, Delhi.

2. Issue notice. Learned APP for the State appears on advance notice and accepts notice.

3. In brief, as per the case of prosecution, on 19.10.2023, on the basis of secret information, a raid was conducted near Bus Terminal Sarai Kale Khan, Delhi and one Asad Ali was apprehended. During his search, 600 activated mobile SIM Cards (400 Jio and 200 Airtel), which were hidden in a box of Talcum Powder were recovered from his possession. It was revealed that SIM Cards were fraudulently procured in name of other people and were being used by criminals to commit cyber crimes.

During course of investigation, Asad Ali initially misled the Investigating Agency, but later on disclosed the name of Meena, wife of Ali Mohammad @ Jibbhu to whom 3000 fake SIM Cards were supplied. He further provided mobile number of co-accused Meena which was found to be connected with accused Asad Ali, Abdul Halim and Raju Khan (petitioner).

4. Subsequently, Abdul Halim was also apprehended from whose possession one mobile phone alongwith 25 SIM Cards of Vodafone Idea were recovered. Out of 600 recovered SIM Cards, 59 SIM Cards (32 SIM Cards of Airtel and 27 SIM Cards of Jio) were found to be linked with mobile number of co-accused Abdul Halim.

5. During investigation, it was disclosed by accused Abdul Halim that Raju Khan (petitioner) had supplied these SIM Cards to him and accordingly, petitioner was arrested on 21.12.2023 from Assam. One mobile phone bearing two IMEI numbers was found from possession of Raju Khan (petitioner) which was found linked with 73 mobile numbers, which were recovered in the present case from possession of accused Asad Ali.

6. Learned counsel for petitioner submits that petitioner is in custody since 21.12.2023 and is no longer required for purpose of investigation, since chargesheet has been filed. He further submits co-accused Meena has since been arrested who was initially absconding.

7. On the other hand, learned APP for the State vehemently opposes the bail application and points out that petitioner is involved in an earlier case of cyber crime. Co-accused Meena is also informed to be involved in five similar cases and racket of operating fake SIM Cards is stated to be a threat to National Security. Also, several innocent persons are stated to be duped of their lifetime earnings. He further submits that 1715 Cyber Crime complaints on National Cyber Crime Reporting Portal (NCRP), 3740 Cyber Crime complaints and 180 FIRs on Citizen Financial Cyber Frauds Reporting and Management System (CFCFRMS) have already been registered in respect of recovered SIM Cards which are linked, mostly from the State of Telangana. Learned APP further informs that in case of issuance of fake SIM Cards, penalty is also required to be imposed on service providers in accordance with the rules issued in this regard.

8. Petitioner is reported to be earlier involved in similar cyber crimes. Apparently, evidence on record points out to well organized racket of procuring and selling fake SIM Cards which are being rampantly used for commission of cyber offences. The recovery of SIM Cards as well as their linkage to the Cyber Crimes already registered, reflects that there is a manifest violation of norms in the process of KYC verification, by the concerned service providers, namely, Airtel, Vodafone Idea, Jio etc.. Considering the nature of threat posed to National Security as well as mushrooming financial frauds, no grounds for bail are made out in view of large scale recovery and use of fake SIM cards. Application is accordingly dismissed. Pending applications, if any, also stand disposed of.

9. Considering the large scale recovery of SIM Cards, there is an urgent need to deactivate the SIM cards obtained and activated on fake proof of identity, by the service providers. The service providers also cannot escape the responsibility of strictly adhering to KYC norms as per instructions issued in this regard, merely by claiming that fake documents submitted for obtaining SIM cards could not be tracked.

Secretary, Department of Telecommunications, Ministry of Communications, as well as Commissioner of Police, Delhi are directed to appropriately take up the issue with all concerned agencies and service providers for ensuring that KYC norms are strictly verified before issuing the SIM Cards. Appropriate action also needs to be initiated against the service providers and dealers issuing the SIM cards, in case any violation and dereliction is found at their end.

A copy of this order be forwarded to Secretary, Department of Telecommunications, Ministry of Communications and Commissioner of Police, Delhi, through Investigating Officer/SHO concerned, for information and compliance. Action taken report be accordingly placed with the Registry within eight weeks for perusal by this Court.

ANOOP KUMAR MENDIRATTA, J

AUGUST 2, 2024

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