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

\+ BAIL APPLN. 2803/2024

VISHESH AGGRAWAL .....Petitioner

Through: Mr. Amit Alok, Mr. Saurav Prakash and Ms. Soumya Sandzlya, Advocates.

versus

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

Through: Mr. Laksh Khanna, APP for State

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

<u>O R D E R</u>

% **27.08.2024**

1. By way of the present bail application, the applicant seeks regular bail in FIR No. 126/2023 registered under Sections 420/468/471/170/389/120B IPC at P.S. Special Cell.

2. Learned counsel for the applicant submits that the applicant has been in custody since 13.12.2023 (incorrectly mentioned as 03.11.2023 in para 2 of the present bail application). He submits that besides the disclosure statement of one co-accused *Diwan Afzal* no other incriminating evidence has been brought against the present applicant. It is further submitted that charge-sheet stands filed however, charge has not been framed till date. It is also submitted that another co-accused *Shivam Kumar* has already been released on regular bail.

3. Bail is opposed by the ld. APP for the State who submits that in the present case the complainant has been duped with a sum of Rs.4.47 crores in a case of cyber fraud. As per the prosecution case, the complainant had

received a call from a person who, claimed to be an employee of FedEx Courier, and told her that one parcel containing narcotics had been intercepted and investigated by the Crime Branch, Mumbai. The said parcel was shown to be sent by her from Mumbai to Taiwan and her IDs were found attached with the parcel. Thereafter, she was made to speak to people who impersonated themselves as police officers. In the aforesaid process, her bank account details were taken and amounts were transferred. It is stated that the amounts were transferred to four different accounts; one of the accounts being of *M/s Mznimpart Service Pvt. Ltd.* of which *Vishal Kumar* and *Shivam Kumar* were directors. Co-accused *Shivam Kumar* disclosed that on instructions of co-accused *Rajeev @ Amiruddin Saifi,* he delivered the SIM card and bank account kit of ICICI Bank, wherein the aforesaid company had an account, to co-accused in Surat, Gujarat through courier. The aforesaid SIM card and bank account kit were then used to operate the said account and the money was withdrawn. The bank account kit was received by one co-accused *Diwan Afzal* who further disclosed that he received the said kit at the asking of the present applicant. He, on instructions, submits that the SIM card was in the name of *Shivam Kumar*. On a specific query, ld. APP, on instructions, submits that CAF of the said SIM card was in the name of *Shivam* and the SIM card is not linked to the present applicant or the mobile recovered. He however, submits that from the mobile phone recovered from the present applicant in another FIR, there was picture of Aadhar Card and Pan Card details of *Shivam Kumar*. Lastly, it is stated that the applicant is involved in 3 other cases of similar nature.

4. At this stage, ld. counsel for the applicant submits that the applicant is already on bail in aforesaid cases.

5. I have heard the ld. counsels for the parties and perused the material available on record.

6. From the above, it appears that the only material against the present applicant is the statement of *Diwan Afzal*. Applicant's name has cropped up in the disclosure statement of *Diwan Afzal* who stated that he had received the bank account kit of ICICI Bank and SIM card on the request of the present applicant. The other incriminating material cited against the present applicant is that when he was arrested in another FIR his mobile phone had a picture of Aadhar Card and Pan Card belonging to *Shivam Kumar*. There is no allegation that the said ICICI Bank account details are being used by the present applicant or any money traveling in his account.

7. Considering the aforesaid and the fact that the present applicant is statedly in custody since 13.12.2023, this Court deems it fit to release the applicant on regular bail subject to him furnishing a personal bond in the sum of Rs.25,000/- with one surety of the like amount to the satisfaction of the concerned Jail Superintendent/concerned Court/Duty J.M. and subject to the following further conditions:-

i) The applicant shall not leave the NCR without prior permission of the concerned Court.

ii) The applicant shall provide his mobile number to the Investigating Officer on which he will remain available during the pendency of the trial.

iii) In case of change of residential address or contact details, the applicant shall promptly inform the same to the concerned Investigating Officer as well as to the concerned Court.

iv) The applicant shall not directly/indirectly try to get in touch with the complainant or any other prosecution witnesses or tamper with the evidence.

v) The applicant shall regularly appear before the concerned Court during the pendency of the trial.

8. The bail application is disposed of in the above terms.

9. Copy of the order be communicated to the concerned Jail Superintendent for information and necessary compliance.

10. Needless to state that the observations made hereinabove are only for the purpose of disposal of present bail application and which shall not have a bearing on the trial of the case.

MANOJ KUMAR OHRI, J

AUGUST 27, 2024

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