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

\+ BAIL APPLN. 2866/2024, CRL.M.A. 24062/2024

ASLAM KHAN .....Petitioner

Through: Mr. Girish Kumar Sharma, Mr. Dhurv Kumar Sharma, Ms. Aayushi Gaur, Ms. Stuti Aggarwal, Advs.

versus

THE STATE NCT OF DELHI .....Respondent

Through: Ms. Priyanka Dalal, APP for the State with SI Deepak, PS Cyber Central, Delhi

CORAM:
HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

O R D E R

% **06.11.2024**

1. Present petition has been filed seeking anticipatory bail in case FIR no.07/2021 dated 29.12.2021 under Section 419/420/406 IPC at PS Cyber Crime(Central).

2. Learned counsel for the petitioner submits that the petitioner has falsely been implicated and he never operated any accounts in which the alleged cheated amount has been recorded. Learned counsel submits that the address mentioned in the account, as well as the documents submitted at the time of opening of the account, does not belong to the applicant. Learned counsel submits that the petitioner has also not resided in the given address, and even the signatures appearing on the supporting documents i.e; Voter ID Card had been forged by unknown person. Learned counsel submits that, in fact the petitioner is about 23 years of age and is an illiterate person. His signatures were taken by the respondent and misused. Learned

counsel submits that despite this, in order to show bona fide the petitioner is ready to join the investigation and deposit Rs.3,65,000/- without prejudice to his rights.

3. Learned APP for the state has strongly opposed the application.
4. Learned APP submits that as per the case of prosecution, on 15.05.2021, a complaint was filed by Shri Rahul Goyal on behalf of an NGO named Lok Kalyan Samiti (LKS) alleging that on 08.09.2021 Narendra Singh Bisth accountant head of the (LKS) received a e-mail over his official mail id "finance@lokkalyansamiti.org" from the mail ID of General Secretary gs@lokkalvansamiti.org. wherein it was directed to transfer Rs. 6,35,000/- in Union Bnak of India account no. 355702011693152 IFSC code UBIN0535575-in the name of Anil Sharma.
5. Learned APP submits that the finance department believed the mail to be genuine and made a transfer of the above-said amount in Union Bank of India bank A/c No. 355702011693152 from the ICICI bank account no. 05480100004777. Later on, it was realized that the mail id was hacked. Learned APP submits that during the investigation, it was found that the alleged bank account was opened in the name of Anil Sharma S/o Sanjay Sharma R/o 144/2, Basti Hazrat Nizamuddin, Delhi. It was found that there were total credits of Rs. 32,92,906.68/- it was further found that the amount so deposited was withdrawn from through an ATM kiosk. Other account numbers bearing no. 34891000642, 92101010003377155, 50200057373286 were again found in the name of Anil Sharma S/o Sanjay Sharma R/o 144/2, Basti Hazrat Nizamuddin, Delhi. The CDR and CAF of the bank

account registered mobile number were obtained, and all the mobile numbers were found in the name of Anil Sharma.

6. Learned APP submits that Anil Sharma could not be traced as the address given in the account number and CAF were found to be non-existent. Further, on analysis of CDR and local enquiry, the identity of the accused was established as Aslam Khan S/o Ashraf Khan R/o Village Alampur, PS Bithri, Bareilly UP i.e. the petitioner and his mobile number was revealed as 7247808425. The photo used in the CAF of Aslam Khan's mobile number 7247808425 was similar to that of Anil Sharma. Learned APP submits that the accused has opened these bank accounts using fake documents subsequently section 468/471 IPC was added to case.
7. Cyber crimes are increasing day by day where innocent people are being victimised. Here, the alleged accused person allegedly opened the bank account in some other name and then fraudulently got the amount transferred. Such types of cases require thorough investigation as these are conducted in a group. The grant of anticipatory bail at this stage may scuttle the entire investigation. It is also pertinent to mention here that the proceedings under Section 82 Cr. PC for absconding have been initiated. I consider in the facts and circumstances, the petitioner is not entitled to the anticipatory bail.
8. In view of the above, present petition along with the pending application stands disposed off.

DINESH KUMAR SHARMA, J

NOVEMBER 6, 2024
Pallavi/smg