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

+ **BAIL APPLN. 3033/2024**

SANJAY KUMAR

.....Petitioner

Through: Mr. Sanjay Dewan, Mr. Anish
Dewan, Ms. Garima Verma, Ms.
Kashish Jain, Mr Prashant Kumar
Mittal and Mr. Aayush Dawa,
Advocates

versus

STATE NCT OF DELHI

.....Respondent

Through: Ms Richa Dhawan, APP for State

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER
25.11.2024

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1. The instant bail application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter “BNSS”) has been filed on behalf of the petitioner/applicant seeking grant of anticipatory bail in FIR No. 141/2024 registered at Police Station – Crime Branch, Delhi, for the offences punishable under Sections 316(5)/61(2) of the Bharatiya Nyaya Sanhita, 2023 (hereinafter “BNS”).

2. The brief facts of the case are that upon receipt of secret information for buying/selling of Call Detail Records (hereinafter “CDR”) of general public in an unauthorized way, a DD No.116-A was lodged and staff was directed to develop the said information. It is stated that a deal was fixed to get the CDR of mobile number 9592149703 of a decoy customer from the co-accused Tarun Vincent Daniel (mobile number 9818543626) who was



also indulged in buying/selling of CDR for Rs.60,000/-.

3. Accordingly, an amount of Rs.29,000/- was transferred through *PhonePe* wallet of the decoy customer to co-accused Tarun Vincent Daniel's wallet. Thereafter, on 17th July, 2024, the co-accused Tarun Vincent Daniel sent the requisite CDR of mobile No.9592149703 on the decoy customer's mobile No.9643923735.

4. Thereafter, on 18th July, 2024, co-accused Tarun Vincent Daniel and the decoy customer namely Mr. Sushil scheduled a meeting at Dwarka Mor, Metro Station. At about 11:45 AM, co-accused Tarun Vincent Daniel was apprehended by the police party and he was interrogated.

5. Upon his personal search, a mobile phone make OPPO having mobile No.9818543626 was recovered. The Whatsapp chat between co-accused Tarun Vincent and decoy customer Mr. Sushil was also recovered which shows that there was a deal to get the CDR of mobile number 9592149703 and it was further disclosed that he was buying CDR from the accused/applicant Sanjay and Mr. Arjun as per the demand of the co-accused Mr. Harsh. It was also disclosed that the applicant Sanjay Kumar used to sell CDRs to the co-accused Tarun Vincent Daniel and the applicant herein is involved in buying selling of more than 100 CDRs, and that he used to charge an amount of Rs.10,000/- to 20,000/- per CDR.

6. The aforesaid events led to the registration of the abovementioned FIR against several accused persons including the applicant herein. The applicant had filed his earlier application under Section 482 of the BNSS which was dismissed vide order dated 3rd August, 2024. Thus, the present application has been field by the applicant seeking anticipatory bail.

7. Learned counsel appearing on behalf of the applicant submitted that



the applicant is an innocent person and has not committed any offence as alleged in the aforesaid FIR. It is also submitted that the applicant has clean antecedents as no criminal proceedings are pending against him. It is further submitted that the co-accused Tarun Vincent Daniel was released on bail vide order dated 5th September, 2024 passed by a Co-ordinate Bench of this Court and another co-accused Harsh was released on bail vide order dated 17th September, 2024 passed by the learned Additional Sessions Judge-05, South-West District, Dwarka Courts, New Delhi. During the course of arguments, learned counsel for the applicant has handed over the copies of aforesaid orders dated 5th September, 2024 and 17th September, 2024 in the Court which are taken on record.

8. It is submitted that the applicant is a permanent resident of Ghaziabad, U.P. and has deep roots in the society. It is submitted that the applicant is the first time offender and he is not a flight risk. Learned counsel for the application further submits that the applicant has joined the investigation on several occasions and has co-operated with the investigating agency as and when required.

9. Learned counsel, on instructions, undertakes that the applicant shall abide by all the terms and conditions imposed by this Court while granting bail and shall co-operate with the investigating agency as and when required. It is also undertaken that the applicant shall supply all the documents available with him to the Investigating Officer as and when required.

10. Therefore, in view of the foregoing submissions, it is prayed that the instant application may be allowed.

11. Heard.



12. Issue notice.

13. *Per contra*, learned APP for the State, appearing on advance notice, accepts notice and has vehemently opposed the present anticipatory bail application submitting to the effect that the applicant has committed serious offence and his custodial interrogation is required to unearth the conspiracy, therefore, the applicant does not deserve any concession of this Court. She further submits that the present bail application, being devoid of any merits, may be dismissed.

14. Heard learned counsel for the parties and perused the material placed on record.

15. Upon perusal of the contents of the instant application as well as the status report which has been handed over by the learned APP for the State during the course of arguments which is taken on record, clean antecedents of the applicant, the fact that co-accused Tarun Vincent Daniel and co-accused Harsh (both co-accused) have been released on bail, and the undertaking of the applicant to the effect that he shall abide by all the terms and conditions imposed while granting bail to him, this Court is inclined to grant anticipatory bail to the applicant.

16. Accordingly, it is directed that in the event of arrest, the applicant be released on bail on his furnishing personal bond in the sum of Rs.1,00,000/- (Rupees One Lakh only) with two solvent sureties of like amount to the satisfaction of the Court concerned/Investigating Officer subject to the conditions as follows:-

- a) The applicant shall surrender his passport, if any, to the Court concerned and shall under no circumstances leave India without prior permission of the Court concerned;



- b) The applicant shall cooperate in the investigation and appear before the Court concerned as and when required;
- c) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case and attempt to tamper with the evidence;
- d) The applicant shall provide his respective mobile number(s) to the Investigating Officer and keep it operational at all times;
- e) In case of change of residential address and/or mobile number, the same shall be intimated to the Court concerned by way of an affidavit.

17. With the aforesaid directions, the instant bail application is allowed and stand disposed of. Pending application, if any, stands dismissed.

18. It is made clear that the observations made herein, touching upon the merits of the case, are purely for the purpose of deciding the question of granting of protection to the applicant, which shall not be construed as an expression of observations on the merits of the case.

CHANDRA DHARI SINGH, J

NOVEMBER 25, 2024

Rt/ryp

[Click here to check corrigendum, if any](#)