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* IN THE HIGH COURT OF DELHI AT NEW DELHI

\+ BAIL APPLN. 3079/2024, CRL.M.(BAIL) 1452/2024

KUNAL KHANNA .....Petitioner

Through: Appearance not given.

versus

STATE NCT OF DELHI .....Respondent

Through: Mr. Manoj Pant, APP for State with SI Pushpendra Pandey, PS: Cyber, Shahdara.

CORAM:
HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

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

% **14.10.2024**

1. An application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') has been preferred on behalf of the petitioner for grant of anticipatory bail in FIR No. 0111/2023, under Section 420 IPC, registered at PS: Cyber Police Station, Shahdara. Also, an application under Section 528 of BNSS has been preferred on behalf of the petitioner for grant of interim bail.

2. Brief facts of the case as recorded vide order dated 17.09.2024 passed by this Court, whereby interim protection was granted to the petitioner, are reproduced for reference :

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> *2. In brief, as per the case of the prosecution, complainant Divya Yadav was duped of about Rs.18 lacs on account of transfer of money in various accounts. During the course of investigation, it was found that out of the amount of Rs.18 lacs, Rs.50,000/- was transferred on 21.08.2023 in the account of MA Motors, of which petitioner Kunal Khanna is the Proprietor. The said account is also stated to be involved in other complaints which were reported in different States. On 21.08.2023, about 3197 transactions amounting to Rs.34 lacs are also stated to have been transacted in*

the said account.........."

3. Learned counsel for petitioner submits that petitioner has already joined the investigation and the screenshots of messages in the phone of petitioner were also shared with the investigating agency.

4. On the other hand, learned APP for State submits that aforesaid amount of Rs. 34 lacs could not have been transferred without account being operated by the petitioner. He further submits that for purpose of ascertaining the claim of petitioner that his mobile phone had been hacked, the same was directed to be deposited with the investigating agency. However, phone is stated to have been formatted by the petitioner prior to depositing the same with police. It is also informed that another account of petitioner in IndusInd Bank in Karnataka is involved in other proceedings and a transaction of Rs. 43 lacs was made in said account, though the same is disputed by learned counsel for petitioner and he submits that no FIR has been registered in this regard.

5. Considering the facts and circumstances and conduct of petitioner in formatting the mobile phone prior to handing over the same to police, this Court is of the considered opinion that no grounds for anticipatory bail are made out. Interim protection granted to the petitioner is withdrawn.

Application is accordingly dismissed. Pending applications, if any, also stand disposed of.

ANOOP KUMAR MENDIRATTA, J.

OCTOBER 14, 2024/*R*