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

\+ **BAIL APPLN. 82/2024, CRL.M.A. 583/2024 & CRL.M.A. 584/2024**

RAVI MITTAL ..... Petitioner

Through: Mr. Gagan Gupta, Sr. Adv. with Mr. Saurabh Gupta & Mr. Babloo Bhati, Advs.

versus

STATE GOVT OF NCT OF DELHI ..... Respondent

Through: Mr. Utkarsh, APP for the State
Inspector Pawan Kumar, PS- Crime Branch

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

O R D E R

% **29.01.2024**

1. The present application is filed under Section 439 of the Code of Criminal Procedure, 1973 seeking grant of regular bail in FIR No. 235/2022 dated 07.10.2022 registered at Police Station Crime Branch for offences under Sections 419/420/120B/467/468/471/472/34 of the Indian Penal Code, 1860 (**IPC**) and Sections 66C/66D of the Information Technology Act, 2000.

2. It is alleged that on 07.10.2022, based on a secret information, a raid was conducted at Flat No. 178, 4th Floor, Sun View Apartment, Sector-11, Dwarka, Delhi and one accused namely Prince @ Vijay Nepali was apprehended as he was wanted in some other FIR, bearing FIR No. 394/2022 under Sections 302/34 of the IPC, registered at Police Station Bindapur, Delhi.

3. It is further alleged that in the said flat, where the raid was conducted, one person namely Mohd. Zahid was found to be residing along with Prince@Nepali. It is alleged that, Mohd. Zahid was found in possession of one laptop - DELL Inspiron 5537 A07 (Serial No.D89VD02), two mobile phones - Redmi blue colour (IMEI No. 862324050065292/01 & 862324050065300/01) having mobile No. 7509633687, another mobile - VIVO (IMEI No. 868764068053315/10 & IMEI No. 868764068053307/10) having mobile no. 9289111531 & 9452926223, Swipe machine - mSwipe having serial no. 10910301176279, IMEI: 863977034608948, Debit card of UCO Bank bearing no. 6522381420007338 in name of HOTEL RANJANA INN, one stamp in name of "For HOTEL Ranjana INN Authorized Signatory", Two SIM cards of BSNL (89915301071423568971) and Vodafone (899102738190 07925651).

4. The allegations, as noted in the Status Report are reproduced as under:

> *"During, P.C remand of Zahid, another accused **Ravi Mittal was arrested on 10/10/2022 from Dabwali, Sirsa, Haryana on his instance**. Accused Ravi Mittal was traced at his house in Dabwali, Haryana, he was interrogated, phone of the accused was also checked and it was found that, he was actively sending and receiving messages from accused Zahid over the whatapp. He was providing blank fastag/ vehicle number linked with fastag to Zahid. After that, when these the fastag/ vehicle number linked with fastag got filed with amount fraudulently, Ravi Mittal used to spent the amount/spent the amount through HP Patrol pump. After that, he used to keep his share/commission (about 15%) of amount and transfer back rest of the amount to Zahid through different means i.e by transferring in the account of Ranjanna INN, by depositing cash amount in given accounts. Taking into consideration all above facts, accused Ravi Mittal was arrested.*
>
> *After arrest, 03 days P.C remand was requested*

and the same was granted vide order dated 11/10/2022.
Modus operandi of accused persons:-
It was revealed during Investigation that accused Zahid along with Pawan Singh was previously involved in similar case. (Case Fir No. l57/2020, dated 18/08/2020, u/s· 420/120B/ 419/34/467/201 IPC, P.S· Daryagang, New Delhi). Zahid and Pawan Singh were already known to each other as they are doing business of selling stolen data, debit and credit card fraud etc. Zahid came in contact with Ravi Mittal through some common friend in September 2022 at Gurguram. Ravi Mittal is tech savy as he was involved in online services for quite long. As they are facing difficulty in arranging fraudulent account for receiving money, they adopted method of charging fastag and withdrawing money. It is easy to charge fastag through various means and difficult to detect the same.

Ravi Mittal used to make virtual fastags from IDFC First bank and share the vehicle number with Zahid. As per disclosure statement, Zahid used to get them filed through Sahid and Kamal. Zahid also used to share some of them with Pawan Singh who used to further share the same with Ajay (came in contact through Parbal) and one another Ajay. These persons get those fastag filed by call centers using stolen data of credit card holders.

After filing these fastags, these numbers were conveyed to through Zahid to Ravi Mittal. ***Ravi Mittal use to share fastag/ vehicle numbers and OTP with Lokesh Bansal. Lokesh Bansal by using the swipe machines get the amount credited in account of their Petrol Pump. The amount was given in cash to Ravi Mittal by deducting his commission. Ravi Mittal used to deposit cash in respective accounts as provided by Zahid and also through his company Devyani Trading. The cheated amount is around 80 Lacs approx.***

<u>Specific role of accused Ravi Mittal is as under:-</u>

1. Accused persons is also in touch with other such persons from Zamatara as reflected in his CDRs. There is strong possibility that accused persons may flew away from justice and commit the same offence again. Hence, in order to prevent them from committing further offence, his ball application is strongly opposed.
2. Accused persons have cheated victims of huge amount around 80-90 Lakhs (actual amount is yet to be ascertained). The amount was subsequently

misappropriated by him. The economic offence is of serious nature and victims were cheated for huge amount on basis of stolen data and new technique of FASTAG adopted by him. Hence, his ball application is strongly opposed.

3. It was found from the whatsapp chat of the accused that, he was actively in touch with co-accused Zahid and cheated lacs of rupees of innocent victims. After that, he used to deposit cash through ATMs in the accounts provided by Zahid. It was further revealed that, he used to transfer amount from his company Devyani Trading to different account by keeping his share.

4. He is actively found involved with co-accused Zahid and have main role of making fastag of IDFC Bank, sending them to Zahid and thereafter withdrawing money at HPCL Petrol Pump of Lokesh Bansal.

5. Further, he has taken SIM on fake IDs and later on destroyed the same as per his version. The same is being further verified and investigation in this regard is going on.

6.Further, there is strong possibility that they may temper/destroy the existing evidences and cause further evidence to disappear as he has not cooperated during investigation and even misguided during investigation. Hence, his bail application is strongly opposed.

7.It is further, submitted that, charge sheet in present case has been filed against accused Zahid, Pawan Singh and Ravi Mittal on 02/01/2023 as accused persons are running in JC and limitation is involved. The matter was listed for 13/02/2023 for further hearing and NDOH is now fixed for 24/04/2023. It is further submitted that, role of Lokesh Bansal and his father Sushil Bansal along with other associates, if any will be looked into during further investigation and in this regard supplementary charge sheet will be filed. It is further, submitted that matter with regard to victims In present case Is taken up with NPCI and IDFC Bank."

5. On a specific query from the court, the learned Additional Public Prosecutor for the State on instructions submits that even though, the allegation against the applicant is of cheating to the tune of approximately ₹80,00,000/-, however, they are still trying to figure out, who the victims are. It is not clear as to who has been defrauded in the manner as alleged by the prosecution. It

appears that, even though charge sheet was filed way back on 28.12.2022, charges have not been framed, since the investigation is incomplete.

6. Co-accused namely Lokesh Bansal, has already been granted pre-arrest bail by the learned Trial Court *vide* order dated 28.02.2023. It was alleged that Lokesh Bansal used to credit the amount in his account and used to give it to the applicant after deducting his commission. The amount, allegedly, fraudulently taken out from unidentified victims was taken out by showing "spending in the petrol pump" owned by co-accused Lokesh Bansal. The role alleged against the applicant, at this stage, cannot be argued to be graver than co-accused Lokesh Bansal.

7. Since the Investigating Agency is yet to identify the victims, it is obvious that until the victims are identified, they will not be able to proceed with arguments on the framing of charges before the learned Trial Court.

8. Considering the fact that the chargesheet has already been filed and the manner in which the investigation is carried out, it is uncertain as to when the supplementary chargesheet would be filed. The accused cannot be kept in custody for an indefinite period, for the reason that the Investigating Agency has not been able to figure out as to what the actual case is, and who the actual victims of the alleged fraud are.

9. In view of the above, no purpose would be served by keeping the applicant in further incarceration.

10. Without commenting further on the merits of the case, the applicant is directed to be released on bail in FIR No. 235/2022 on furnishing a bail bond in the sum of ₹50,000/- with two sureties of the like amount, subject to the satisfaction of the Trial Court / Duty Metropolitan Magistrate on the following

conditions:

a. The applicant shall provide the address where he would be residing after his release and shall not change the address without informing the concerned IO/ SHO;

b. He shall under no circumstance leave the country without the permission of the Trial Court;

c. He shall appear before the learned Trial Court as and when directed;

d. He shall, upon his release, give his mobile number to the concerned IO/SHO and shall keep his mobile phone switched on at all times;

11. In the event of there being any FIR/DD entry / complaint lodged against the applicant, it would be open to the State to seek redressal.

12. The bail application is allowed in the aforementioned terms.

AMIT MAHAJAN, J

JANUARY 29, 2024
"SS"