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

+ BAIL APPLN. 3234/2024, CRL.M.A. 26955/2024
AJMAL HUSSAINPetitioner
Through: Mr. S. Vinod, Adv.

versus

STATE (GOVT. OF NCT OF DELHI),THOUGH SHO P.S.
SPECIAL CELLRespondent
Through: Ms. Priyanka Dalal, APP for the State
with Inspector Deepak, IFSO/Special
Cell

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+ BAIL APPLN. 3244/2024
JAKIR HUSSAINPetitioner
Through: Mr. S. Vinod, Adv.

versus

STATE (GOVT. OF NCT OF DELHI),THOUGH SHO P.S.
SPECIAL CELLRespondent
Through: Ms. Priyanka Dalal, APP for the State
with Inspector Deepak, IFSO/Special
Cell

CORAM:
HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER
18.10.2024

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1. The present applications have been filed under Section 482 of BNSS seeking grant of anticipatory bail in case FIR no. 226/2024 registered under Section 419/420/120B IPC at PS: Special Cell.
2. Learned APP for the State has submitted the status report before the Court.



3. Let the status report be brought on record.
4. Learned counsel for the petitioner has submitted that even as per the status report filed by the Investigation Officer (IO), the money was transferred to two bank accounts of SBI bank bearing no. 42974757889 IFSC code: SBIN0005977 (amount transferred Rs. 25 lakhs) and 00000042885599570 IFSC code: SBIN0001229 (amount transferred Rs. 58 lakhs). Learned counsel submits that none of these accounts belonged to the petitioners. It has further been submitted that as per the status report nine IMEI numbers and approximately 2318 mobile numbers were used. Learned counsel submits that the only evidence against the petitioners is the disclosure statement of the co-accused. Learned counsel submits that the petitioners are daily wage earners and the petitioners have nothing to do with the present offence.
5. Learned APP for the State has opposed the bail applications, arguing that the present case is an international scam having footprints in Islamabad and China. Learned APP has further submitted that the ownership of mobile number +91 8812981777 has been found in the name of the petitioner, Jakir Hussain. Learned APP has also submitted that the main accused, Imdad Parbis Musharaf is the son of petitioner, Jakir Hussain and brother-in-law of petitioner Ajmal Hussain. Learned APP submits that this reveals that all the accused are closely related to each other and were working together. Learned APP submits that in the disclosure statement of Imdad Parbis Musharaf, it has come that Ajmal Hussain had obtained the SIM cards in bulk quantity from another person and used to send OTPs on whatsapp, telegram and other social media and took commission per OTP. Learned APP submits that the matter requires



thorough investigation for which custodial interrogation of petitioners is required.

6. Learned counsel for the petitioner submits that in the status report filed before the Sessions Court, the State has alleged that in the disclosure statement of Imdad Parbis Musharaf, the name of the petitioners Ajmal Hussain and Jakir Hussain has been disclosed.
7. The courts have time and again held that the grant of anticipatory bail is a discretionary power and must be exercised sparingly. It should be exercised where the allegations appear solely for the purpose of harassment or embarrassment of the accused. The criteria for grant of bail in heinous offences are very well settled. The consideration to be taken into account while grant of bail are the nature and gravity of the respondent's accusations and the antecedents of the applicant, possibility of the Applicant to flee from justice, the possibility of threatening and intimidating the witnesses and other circumstances.
8. Coordinate Bench of this Court in *Soukin v. The NCT State New Delhi* BAIL APPLN. 177/2024, *Talim v. The NCT State New Delhi* BAIL APPLN. 1073/2024, and *Timmi@Abbas v. The NCT State New Delhi* BAIL APPLN. 1074/2024 dismissed the anticipatory bails of the accused and the same were based on similar facts as of the present case.
9. The status report indicates that the alleged scams have footprints in Islamabad and China. Such type of cyber crimes are increasing day by day. The disclosure statement is required to be thoroughly investigated.
10. In the facts and circumstances, I consider that in the present case, the petitioners are not entitled to anticipatory bail.
11. In view of above, the present bail applications, along with other pending



applications, stand disposed of.

DINESH KUMAR SHARMA, J

OCTOBER 18, 2024
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