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

\+ BAIL APPLN. 3381/2024 & CRL. MA 28264/2024

PRAKASH KUMAR SINGH .....Petitioner

Through: Mr. K. Singhal, Ms. Vani Singhal, Mr. Ujwal Ghai, Mr. Prasanna, Mr. Udit Bakshi and Ms. Deepali Pawar, Advocates.

versus

STATE (NCT OF DELHI) .....Respondent

Through: Mr. Laksh Khanna, APP for State with SI Vikram Singh PS IFSO/Special Cell, Delhi.
Mr. Varun Garg, Mr. Shubham Paliwal, Advocates for complainant with complainant in person.

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

% **19.09.2024**

1. The present application has been filed by the petitioner/applicant seeking anticipatory bail in FIR No. 136/2024 registered under Sections 420/120B IPC at P.S. Special Cell, New Delhi.

2. Learned counsel for the applicant submits that as per the case of the prosecution, the present applicant in conspiracy with one *Akalesh Das* has defrauded the complainant to the tune of total sum of around Rs.3.32 crores out of which Rs.1.21 crores have travelled to the account of *M/s AD Enterprises*. However, he submits that there is nothing on record to link the present applicant with the aforesaid account it has been alleged that the cheated amount has gone into the account of one *M/s AD Enterprises*. He submits that *M/s AD Enterprises* is a proprietorship firm under

proprietorship of one *Akalesh Das* who is known to the present applicant. He submits that during the pendency of the anticipatory bail proceedings before the learned Sessions Court, a Status Report came to be filed wherein it has been so alleged.

3. The bail application is vehemently opposed by the learned APP for the State who is duly assisted by learned counsel for the complainant. It is stated that besides the present complaint, there are three other complaints against the applicant. It is further stated that the applicant's bank account has been frozen on complaints of fraud received from Sikkim, Uttar Pradesh and Gujarat police.

4. A copy of the Status Report has been handed over today in the Court which is taken on record. As per the Status Report, the complainant has alleged that he was made a member of the Whatsapp group namely *'Stock Market Research Institute'*, which he joined through a group invite link sent to him by one *Anil Ja Sharma*. The said group was formed to share investment tips for trading in stock market. The complainant was induced to invest in stock market and consequently, he parted with a sum of Rs.2.86 crores from 10.01.2024 to 05.02.2024 by way of deposits made in different bank accounts and thereafter, when he requested for the withdrawal, he was further charged TDS of Rs.46 lacs. Subsequently, he was removed from the aforesaid Whatsapp group. It is stated that during investigation, it was found that the location of the admin of the Whatsapp group was found to be outside India. The money to the tune of Rs.3,32,82,514 was transferred from the complainant's account, out of which a sum of Rs.1,21,00,000/- was transferred in an account number 259102414983 belonging to *M/s AD Enterprises at Chhoti Pahari, Patna, Bihar*. It is stated that the proprietor is

co-accused *Akalesh Das.* On further investigation, a total transaction of around Rs.80 crores was found from 01.01.2024 to 07.02.2024 which included the money that has come from the complainant's account. It is further stated that three other similar complaints have been received pertaining to the said account. Insofar as the applicant's connection with the said account is concerned, it is stated that the office of *M/s AD Enterprises* was also visited and the landlord was examined, who stated that the premises were rented by co-accused *Akalesh Das* and one *Babu* having mobile number 9205276169. On the CDR analysis of the said mobile number, it was found that the said number was initially active in Bihar and later in Dwarka, Delhi in a mobile phone having IMEI No. 867271055261840. Another mobile number 9102414983 was also found to be operational on the same IMEI number. Though the CAF forms are in the name of *Akalesh Das* who lives in Patna, the location of the mobile phone was found in Sector-10, Dwarka, Delhi i.e. the place of the residence of the applicant. It is stated that barring 10 lakhs, the entire amount of Rs.80 crores was withdrawn before the investigating agency could take further action. The entire withdrawal was done through net-banking using the aforesaid mobile number and thereafter the aforesaid account has become inactive. It is also stated that even in the affidavit filed along with the present bail application as well as on the verification from school of the applicant's child, the applicant's address in the records is in Sector-10, Dwarka, Delhi. As per the case of prosecution, the applicant is the mastermind who has withdrawn the entire amount by different modes including net/mobile banking.

5. Considering the totality of the facts and circumstances of the present

case and especially that not only the present complainant but there are other complainants who have alleged similar *modus operandi* of being cheated, this Court is of the considered opinion that the custodial interrogation of the applicant is required in this case. Consequently, the present bail application alongwith pending application is dismissed.

MANOJ KUMAR OHRI, J

SEPTEMBER 19, 2024/*rd*