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

\+ BAIL APPLN. 3583/2024

ROBIN KUMAR .....Petitioner

Through: Mr.Chirag Madan, Mr.Utsav Saxena, Mr.Kartikey Singh, Mr.Ronit Bose and Mr.Rahul Agarwal, Advocates.

versus

STATE OF NCT OF DELHI .....Respondent

Through: Mr.Manoj Pant, APP for State with Insp. Chaitanya Abhijit, SHO, Cyber and SI Anju, PS: Rohini.

CORAM:
HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

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

% 08.10.2024

1. An application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') has been preferred on behalf of petitioner for grant of anticipatory bail in FIR No.0049/2024, under Section 420 IPC, registered at P.S.: Cyber Police Station Rohini.

2. In brief, as per the case of prosecution, complainant, a retired Officer from ICAR was duped of an amount of Rs.44 lacs on the basis of false extortion calls. During the course of investigation, it was revealed that an amount of Rs.39 lacs was transferred to the account of petitioner, who withdrew an amount of Rs.9 lacs and Rs.10,000/- separately on 04.06.2024 itself. Further, thereafter, Rs.8.9 lacs and Rs.1 lac was withdrawn in cash, followed by transfer of Rs.3.5 lacs to the account of mother of petitioner on 05.06.2024. Also, an amount of Rs.12/13 lacs was transferred to account of

one Zahid Zahoor (resident of Sri Nagar).

3. A contention was raised by learned counsel for the petitioner that out of amount of Rs.39 lacs, the amount of Rs.3.90 lacs was to be received by him, as consultancy fee from one Som Dutt towards VISA services and rest of the amount was told by said Som Dutt to have been mistakenly transferred in the account of the petitioner by the complainant. As such, the remaining amount is claimed to have been withdrawn, given or transferred to various persons under instructions of Som Dutt as under:

i. Rs.22 lacs was withdrawn in cash and handed over the same to one Prashant Dutt (brother of Som Dutt), at Tohana, Haryana in between 4th to 6th June, 2024, though complete details of Prashant Dutt are not known to petitioner except his mobile number.

ii. An amount of Rs.12/13 lacs was transferred in the bank account of Zahid Zahoor by petitioner who has already joined the investigation and account has been freezed.

4. An updated status report has been filed on record whereby learned APP for the State, on instructions of IO, submits that mobile phone number of petitioner was found to be switched off and NBWs issued against petitioner could not be executed. He further submits that learned counsel for the petitioner had claimed that petitioner had returned the amount as per instructions of Som Dutt to Prashant Dutt (brother of Som Dutt) and on inquiry, it is revealed that current whereabouts of Som Dutt are unknown. Further, his younger brothers namely Ravinder and Amit are no longer residing in the village. As such, the contention raised on behalf of the petitioner that amount had been handed over to one Prashant Dutt who is

brother of Som Dutt has been found to be incorrect. He further submits that location of the petitioner was ascertained with reference to the spot from where cash was claimed to have been handed over to Prashant Dutt, but mobile phone location of the petitioner did not tally with the claim made by learned counsel for the petitioner..

5. On the other hand, contentions raised on behalf of learned APP for State have been refuted by learned counsel for petitioner. He submits that petitioner has been in touch with the IO through WhatsApp. He further submits that investigation has not been carried out by the investigating agency, in accordance with law.

6. Admittedly, the complainant has been duped of an amount of Rs.44 lacs by making false extortion calls. The conduct of the petitioner in withdrawing an amount of Rs.22,00,000/- in cash immediately after transfer shows that an effort was made to siphon the transferred amount. The contention of the learned counsel for the petitioner made on the last date of hearing that the amount had been handed over to one Prashant Dutt, has not been substantiated on further investigation and clearly reflects the complicity of the petitioner in commission of the offence and siphoning of the amount. The custodial interrogation of the petitioner is imperative to recover the duped amount.

Considering the facts and circumstances of the case and evidence on record, no grounds for anticipatory bail are made out. Application is accordingly dismissed. Pending applications, if any, also stand disposed of.

ANOOP KUMAR MENDIRATTA, J.

OCTOBER 08, 2024/v/*sd*