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

+ **BAIL APPLN. 3926/2024**

JAI PAL

.....Applicant

Through: **Mr. Manjit Kumar Pathak,**
Advocate.

versus

STAT OF NCT OF DELHI

.....Respondent

Through: **Mr. Manoj Pant, APP for**
the State.
Inspector Manish Kumar
(P.S. Cyber North, Delhi).

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

02.12.2024

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1. The present petition is filed seeking bail in FIR No.13/2024 dated 09.04.2024, registered at Cyber Police Station North, for offences under Sections 420 of the Indian Penal Code, 1860 ('**IPC**') and Section 66(D) of the Information Technology Act, 2000 ('**IT Act**').

2. The FIR was registered pursuant to a complaint alleging that the complainant was added in a WhatsApp trading group where he was lured into investing in share and stock market. It is alleged that on inducement of receiving good returns on small investments, the complainant invested higher amounts to earn better returns. It is alleged that the complainant invested an amount of ₹23,30,000/- pursuant to which he was informed that his stock had yielded high profit amounting to ₹3,80,00,000/-. The complainant was informed that to withdraw the same, he had to pay a tax of about ₹35,00,000/-. The complainant realized that

BAIL APPLN. 3926/2024

Page 1 of 4



he has been cheated and filed a complaint, which led to a registration of the FIR.

3. The learned counsel for the applicant submits that the investigation in the present case has already been completed.

4. He submits that the account of the applicant was misused and the applicant had joined investigation pursuant to notice under Section 41A of the Code of Criminal Procedure, 1973.

5. He submits that the custody of the applicant is not required.

6. *Per contra*, the learned Additional Public Prosecutor for the State submits that the applicant has been involved in a cyber fraud. He submits that large amount of money has been cheated from the complainant.

7. He submits that the account in which the cheated amount was deposited by the complainant was operated by the applicant.

8. He further submits that the ATM card and the cheque book of the said account were also recovered from the applicant.

9. I have heard the parties and perused the record.

10. Undisputedly, the investigation has already completed which led to filing of the chargesheet.

11. Offences under Section 420 of the IPC and 66(D) of the IT Act, 2002 attract maximum punishment upto seven years.

12. On being asked, it is pointed out that a total sum of ₹15,00,000/- has already been put on hold in the bank account of the applicant and the complainant has moved an application for release of the said amount.

13. It is a case of the applicant that the co-accused Bhupender took his account details and shared the same further. It is the applicant's case that if any amount has been deposited in his account, the same is at the instance of the co-accused Bhupender.



14. The allegations and defence in that regard would be tested during the course of the trial. However, it cannot be denied that the investigation has been completed and the trial is likely to take considerable period of time.

15. In view of the above, the applicant is directed to be released on bail on furnishing a personal bond for a sum of ₹25,000/- with one surety of the like amount, subject to the satisfaction of the learned Trial Court, on the following conditions:

- a. The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case, in any manner whatsoever;
- b. The applicant shall under no circumstance leave the country without the permission of the learned Trial Court;
- c. The applicant shall appear before the learned Trial Court as and when directed;
- d. 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;
- e. The applicant shall, upon his release, give his mobile number to the concerned IO/SHO and shall keep his mobile phone switched on at all times.

15. 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 by filing an application seeking cancellation of bail.



16. It is clarified that any observations made in the present order are for the purpose of deciding the present bail application and should not influence the outcome of the trial and also not be taken as an expression of opinion on the merits of the case.

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

AMIT MAHAJAN, J

DECEMBER 2, 2024

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