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

+ **BAIL APPLN. 4214/2024**

MUSTKEEM ALI@ MUSTAKEEM .....Applicant

Through: Mr. Abhinav Kumar  
Srivastava, Mr. Shakil  
Sheikh and Mr. Deepak,  
Advs.

versus

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

Through: Mr. Aman Usman, APP  
for the State with SI  
Dhirender Kanwar, PS  
Cyber Central.

**CORAM:**

**HON'BLE MR. JUSTICE AMIT MAHAJAN**

**ORDER**

% **20.11.2024**

**CRL.M.A. 34620/2024 (exemption from filing certified copies of the documents / annexures)**

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

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3. The present application is filed seeking regular bail in FIR No. 11/2024 dated 05.02.2024, registered at Police Station Cyber Police Station Central, for offences under Sections 419/420/120B of the Indian Penal Code, 1860.
4. The FIR was registered on a complaint given by one – Vikram Singh, who alleged to have come across an advertisement / link promoting some stock trading options.
5. It is alleged that when the complainant clicked the said link, it led him to a WhatsApp group being administered by one – Shefali Bagga. On the WhatsApp group, the complainant was

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induced to download one mobile app— Well Pro for trading in shares, which was claimed to be registered with SEBI.

6. It is alleged that Shefali Bagga induced the complainant to invest a large amount of money in the said app. The complainant then allegedly invested and was cheated for a sum of ₹6,52,000/-.

7. The allegation against the applicant is that he was accomplice with the accused person who cheated the complainant. The applicant is stated to have procured multiple sim cards.

8. The learned counsel for the applicant submits that the applicant has been falsely implicated in the present case.

9. He submits that the entire cheated amount has already been returned to the complainant by the other accused persons.

10. The learned Additional Public Prosecutor for the State opposes the present bail application and submits that multiple complaints have been received in regard to the phone numbers which were used for cheating multiple victims and the sim cards have been procured by the applicant.

11. He submits that the applicant is actively involved with other accused persons.

12. On being pointedly asked, it is informed that the other co-accused persons have been admitted on bail.

13. It is also not the case of the prosecution that any part of the cheated amount was transferred to the account being maintained by the applicant.

14. It is also significant to note that the complainant has already received the entire cheated amount *albeit* from other accused persons.

15. The applicant is in custody since 23.02.2024. The



chargesheet has already been filed in the present case.

16. The applicant, in the opinion of this Court, is no longer required to be in custody.

17. The object of jail is to secure the appearance of the accused during the trial. The object is neither punitive nor preventive and the deprivation of liberty has been considered as a punishment. The applicant cannot be made to spend the entire period of trial in custody specially when the trial is likely to take considerable amount of time and when the other accused persons are on bail.

18. In view of the aforesaid discussion, the applicant is directed to be released on bail on furnishing a personal bond for a sum of ₹25,000/- with two sureties 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 boundaries of 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.

19. 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.

20. 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.

21. The State is at liberty to take appropriate action if any FIR is registered at any stage in regard to other complaints.

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

**AMIT MAHAJAN, J**

**NOVEMBER 20, 2024**

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