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

\+ BAIL APPLN. 46/2025

MISBA UL HUSSAIN .....Petitioner

Through: Mr. Pawan Gupta, Advocate (appeared through VC).

Versus

STATE OF NCT OF DELHI .....Respondent

Through: Mr. Manoj Pant, APP for the State

CORAM:
HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

O R D E R

% **13.01.2025**

1. The present application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereafter '*BNSS*') has been filed on behalf of the applicant seeking grant of anticipatory bail in case arising out of FIR bearing no. 482/2024, registered at Police Station Govindpuri, Delhi for offence punishable under Sections 420/467/468/471/120B/34 of the Indian Penal Code, 1860 (hereafter '*IPC*').

2. Briefly stated, the facts of the present case are that a complaint was lodged by the complainant Radif Ahmad, against accused persons namely Misbah-ul-Hussain, Shabanam Parveen, and Sahil Hussain. The complainant disclosed that he was engaged in the business of sale and purchase of mobile phones and the accused persons were his relatives i.e. *Mama*, *Mami* and their son. The accused persons had requested the complainant to enter into business transactions with Sahil. Initially, the complainant had placed a few small orders and the same were delivered by Sahil. However, later on, the accused

persons had allured the complainant to place large orders and had taken money from him. The complainant had given a total sum of Rs. 23,39,000/- to the accused persons; however, the accused persons did not deliver the mobile phones and started avoiding the complainant. When the complainant had asked them to return his money, they had prepared and handed over a false RTGS Slip to him, showing payment of Rs. 9 Lakhs in the name of the complainant. Upon verification, said RTGS slip was found false and fabricated. On the basis of these allegations, FIR in the present case was registered and investigation was carried out. During the course of investigation, the witnesses were examined the role of accused Shabanam Parveen and Misbah-ul-hussain was also unearthed. It was also revealed that the maximum amount was transferred by the complainant through online mode. Further, after the registration of present FIR, the accused persons had left their last known address in Navjeevan Camp, Govindpuri. During further course of investigation, co-accused Shabanam Parveen was arrested.

3. The learned counsel appearing on behalf of the applicant Misba Ul-Hussain argues that the co-accused in this case has been granted bail and that the applicant herein has been falsely implicated in the present case. It is stated that the custodial interrogation of the applicant is not required, since the investigation can be carried out and concluded without arrest of the present applicant. It is also argued that no amount was transferred to the account of the present applicant and therefore, he be granted pre-arrest bail.

4. The learned APP for the State, on the other hand, argues that the allegations of cheating in this case are serious in nature and the custodial interrogation of the applicant herein is required for the purpose of tracing the money trail. It is contended that the applicant herein had lured the

complainant to place large orders for purchase of mobile phones and on this pretext, the accused persons had taken a total sum of ₹23,39,000/- from the complainant, however, the accused persons had failed to deliver the mobile phones to the complainant. Therefore, it is prayed that the bail application be rejected.

5. This Court has heard arguments addressed by learned counsels for both the parties and has perused the material on record.

6. Having gone through the documents placed on record, this Court is of the opinion that a perusal of the statements of the witnesses recorded under Section 161 of Cr.P.C. reveals that the applicant had played an active role in the commission of offence and he had allegedly lured the complainant to transfer a large amount of money to his son. The record also reveals that after the complainant had started demanding the money paid to the accused persons for delivery of the mobile phones, the accused persons had prepared a false RTGS slip, showing payment of ₹9 Lakhs in the name of the complainant and had handed over the same to him. However, later on, the said RTGS slip was found to be false and fabricated. Undisputedly, the preparation of false and fabricated RTGS slip adds to the seriousness of the offence.

7. Investigation in this case is still at an initial stage. The applicant has yet not joined the investigation and he was not found residing at the last known address, and as informed by learned APP for the State, he has been changing his address frequently.

8. Considering the overall facts and circumstances of the case, no case for grant of anticipatory bail is made out.

9. The application is accordingly dismissed.

10. It is, however, clarified that nothing expressed hereinabove shall tantamount to an expression on the merits of the case.

11. The order be uploaded on the website forthwith.

JANUARY 13, 2025/ns/A **SWARANA KANTA SHARMA, J**

Click here to check corrigendum, if any