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

+ **BAIL APPLN. 294/2025 & CRL.M.A. 2088/2025**

VIKRAM NALLAMALAPetitioner

Through: Ms. Mansi Bidhuri, Advocate

versus

STATE OF NCT DELHIRespondent

Through: Mr. Laksh Khanna, APP for the State
SI Yogesh Tanwar, Crime Branch

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **12.02.2025**

CRL.M.A. 2088/2025 (Exemption)

Allowed, subject to all just exceptions.

Accordingly, application stands disposed of.

BAIL APPLN. 294/2025

1. This petition has been filed seeking following reliefs:

“1. Admit the applicant to anticipatory bail in FIR No. 0048/2023 dated 22.02.2023 registered at PS Crime Branch under Sections-420 & 120-B of the Indian Penal Code, 1860, on such terms and conditions as may be deemed appropriate;

2. Direct the SHO/IO of PS Crime Branch to admit the applicant to bail in the event of his arrest in the abovementioned case; and/or”

2. The case of the prosecution borne out from the status report is that subject FIR No. 0048/2023 got registered against the crypto-currency website by the name of www.cryptobiz.exchange that lured the public into joining a Telegram group and to invest money on the said website with false promises to earn quick money. The complainant on 30.08.2022 had invested a total amount of Rs. 10,000



on the said website and in few days, complainant could see multiple trades in his account and his invested amount reached to Rs. 50,000/- on the website. However, when the complainant tried to withdraw some amount from his crypto wallet, he was not allowed to withdraw it and eventually his access was blocked. The complainant got cheated by the said website of his money and after some investigation, the complainant identified that this website was linked with another site playinexch.com, which was running several illegal online casino and gambling. It is stated that this led to the registration of the subject FIR and an investigation revealed that there were multiple victims. It is stated that charge-sheet was submitted on 26.10.2024.

3. It is stated that during investigation, it was found that the complainant has received multiple WhatsApp calls from mobile number +917699242424, which number was listed on the online gambling website www.thunderbood.co.in and there are multiple websites linked to the said number. These websites were found promoting illegal activities through online gambling, gaming, crypto-currency, casino, porn videos etc. and the list is set out at paragraph '11' of the report.

4. It is stated that these websites used advanced Content Delivery network ('CDN') like Cloudflare, Amazon and Google, where the servers are placed outside India. It is stated that illegal websites used CDN so that the original server and domain name cannot be blocked by the investigating agency. It is stated that the subject matter pertains to 24 domain names set out in paragraph '14' of the status report. It is stated that the IO sent notices to Cloudflare, Amazon and Google. It is stated that these companies failed to response to the notices and the prosecution was compelled to approach the Trial Court which issued notices to Cloudflare, Amazon and Google. It



is stated that Google and Amazon appeared before the Trial Court.

5. It is stated that Amazon made a disclosure that all these illegal 22 websites enlisted at paragraph '14' of the report were owned and operated by company named as 'Tank Tech LLC'. It is stated that Amazon provided login IPs and stated that the same belong to Pioneer E Labs-Ctrls, internet service provider operating from Hyderabad.

6. It is stated that in turn Pioneer E Labs-Ctrls provided the IO details of user as per the time line requested. It is stated that the IO noted that the profile of Tank Tech LLC was listed as a case study on the website of www.9acts.com.

7. It is stated that the Applicant/Vikram Nallamala is the Director of 9acts Clouds Solutions Pvt. Ltd. and therefore, notice was issued to him under Section 41A Cr.P.C. to join the investigation. It is stated that the Applicant joined investigation on 20.12.2024 but he did not appear thereafter on 21.12.2024 and has been absconding.

8. It is stated that the Applicant is the principal server Architect of the 24 illegal websites enlisted at paragraph '14' of the status report related to the present FIR. It is stated that the investigation is not complete in this FIR. It is stated that as per the investigation conducted till date, the Applicant/Vikram Nallamala possesses server admin keys linked to the server owned by Tank Tech LLC, which is running around 21 illegal gambling websites. It is stated that access to server admin keys would assist the IO in leading to the owners and promoters of Tank Tech LLC.

9. It is stated that 14 online gambling websites are hosted on Amazon Web Server ('AWS') and admin login-IP logs of the same server have few IPs, which are allocated to the Applicant and the internet connection is



installed at the current and active residence of the Applicant. It is stated that it is for this reason the custodial interrogation of the Applicant is required.

Submissions of the Applicant

10. Learned counsel for the Applicant states that the investigation in the subject FIR is complete and the charge-sheet already stands filed before the Trial Court on 26.10.2024.

11. She states that on the basis of the phone number, which was reported by the complainant i.e., Naveen Chawla, the prosecution has sought to investigate the role of the Petitioner herein with respect to the allegation of promoting illegal gambling websites.

12. She states that Section 41A Cr.P.C notice was received by the Petitioner on 16.12.2024 and he has duly joined the investigation and appeared for interrogation on 20.12.2024.

13. She, states, however looking at the severity of the interrogation on 20.12.2024, the Applicant was apprehensive that he would be arrested and, therefore, he did not appear for interrogation on 21.12.2024 and applied for the pre-arrest bail.

Submissions of the State

14. In reply, Mr. Khanna, Learned APP relied upon the status report dated 10.02.2025, which has been placed on record. He states that the subject matter of the investigation are 21 illegal gambling websites, which have defrauded multiple victims in investing money.

15. He states during investigation it has been deciphered that all these 21 illegal websites are connected and are owned as well as operated by a common entity. He states that the server being used to operate these 21 illegal websites is operated by Tank Tech LLC, which is managed by the



website belonging to company of the Applicant known as 9acts Cloud Solutions Pvt. Ltd.

16. He states that the preliminary investigation has revealed that it is the Applicant herein, who is the chief architect of this server. He states it is the case of the prosecution that the Applicant holds admin keys to the server, therefore, his custodial interrogation is required to analyze the entire operation.

17. He states that during interrogation on 20.12.2024 the Applicant did not cooperate in the investigation, hence the plea for pre-arrest bail should not be considered. He states that on 20.12.2024 Petitioner was directed to produce his laptop, mobile and electronic devices, however, he had sought time and deference of interrogation for 21.12.2024. And thereafter rather than joining the investigation, the Applicant has filed the application for anticipatory bail before the Trial Court and now before this Court.

18. He states that the interrogation of the Applicant is necessary so as to unearth the details of the owners and promoters of Tank Tech LLC, as the money which is the subject matter of investigation in this case has been collected in the hands of the promoters of Tank Tech LLC.

19. He states that though a chargesheet has been filed on 26.10.2024 against 5 accused persons, however, the investigation qua the owners, promoters of Tank Tech LLC is still pending.

20. He states that during investigation, Amazon, which provides cloud services to the server on which these 21 illegal websites are operated provided IP addresses, which are being used for updating these websites. It is stated that on examination it was revealed that the said IP address was of the home office of the Applicant herein. He states, as recorded in the status



report, the home office of the Applicant is a single man office.

21. He states that the Applicant was provided with a questionnaire, however, he has failed to provide the information sought therein and it is thus apparent that he is withholding information.

22. He states that previously as well the anticipatory bail application of the Applicant filed before the ASJ-05, South-east District, Saket Courts, New Delhi (Trial Court) has already been dismissed vide order dated 10.01.2025.

Response of the Applicant

23. In response, learned counsel for the Applicant states that Applicant is not the administrator of the server used by Tank Tech LLC as contended by the prosecution. She states that the Applicant provides optimization and security services to the server in question.

24. She states that the Applicant only has back-end access to the server and does not perform the front-end services. She states that the Applicant's company i.e. 9acts Cloud Solutions Pvt. Ltd. is a service provider, which is approached by numerous entities over the globe for their services like cloud consulting, DevOps. security, and compliance services. She states in order to provide the said services the Applicant's company utilizes a platform named "Upwork".

25. She states that Tank Tech LLC, is one of the clients, who got introduced to the Applicant's company through the Upwork Platform and a formal agreement was established via the same platform. She states that beyond these specific services, the Applicant's company has no other affiliations or connections with the said client i.e. Tank Tech LLC.

26. She states that the Applicant has been unable to provide the



information sought in the questionnaire as the same is not available with him and he can only provide information to which he has access.

Findings

27. This Court has considered the submission of the parties and perused the record.

28. Before advertng to the facts of the present case it would be imperative to refer to the judgment of the Supreme Court on the subject matter of anticipatory bail wherein in the case of **Sumitha Pradeep v. Arun Kumar**¹ while dealing with the conflicting aspect of need for custodial interrogation and anticipatory bail, held that even in the cases where custodial interrogation is not required, however, the Court cannot overlook the test of whether prima facie case has been made out against the accused by the prosecution. The relevant paragraph reads as under:

“In many anticipatory bail matters, we have noticed one common argument being canvassed that no custodial interrogation is required and, therefore, anticipatory bail may be granted. There appears to be a serious misconception of law that if no case for custodial interrogation is made out by the prosecution, then that alone would be a good ground to grant anticipatory bail. Custodial interrogation can be one of the relevant aspects to be considered along with other grounds while deciding an application seeking anticipatory bail. **There may be many cases in which the custodial interrogation of the accused may not be required, but that does not mean that the prima facie case against the accused should be ignored or overlooked and he should be granted anticipatory bail.** The first and foremost thing that the court hearing an anticipatory bail application should consider is the prima facie case put up against the accused. Thereafter, the nature of the offence should be looked into along with the severity of the punishment. Custodial

¹ (2022) 17 SCC 391.



interrogation can be one of the grounds to decline anticipatory bail. However, even if custodial interrogation is not required or necessitated, by itself, cannot be a ground to grant anticipatory bail.”

(Emphasis supplied)

29. Further the Supreme Court in **Central Bureau of Investigation v. Santosh Karnani**² elucidated upon the grant of pre-arrest bail in the following words:

“24. The time-tested principles are that no straitjacket formula can be applied for grant or refusal of anticipatory bail. The judicial discretion of the Court shall be guided by various relevant factors and largely it will depend upon the facts and circumstances of each case. The Court must draw a delicate balance between liberty of an individual as guaranteed under Article 21 of the Constitution and the need for a fair and free investigation, which must be taken to its logical conclusion. Arrest has devastating and irreversible social stigma, humiliation, insult, mental pain and other fearful consequences. Regardless thereto, when the Court, on consideration of material information gathered by the Investigating Agency, is prima facie satisfied that there is something more than a mere needle of suspicion against the accused, it cannot jeopardise the investigation, more so when the allegations are grave in nature.”

(Emphasis supplied)

30. The present case pertains to multiple victims’ fraud resulting from operation of at least 24 websites carrying on illegal businesses. The prosecution has placed on record the detailed steps taken by it to identify Tank Tech LLC-the owner of the 24 websites and the link between the said owner and the Applicant herein. The prosecution has stated that the records received from AWS show a direct link between the Applicant and the server

² 2023 SCC OnLine SC 427



used by Tank Tech LLC. The prosecution on the basis of documented records has contended that the Applicant herein is the Architect of the server used by Tank Tech LLC and has access to the admin keys of the server, which would help them have access to the owners and promoters of Tank Tech LLC.

31. The learned counsel for the Applicant has fairly conceded that the Applicant herein is duly connected with Tank Tech LLC and provides back-end services to the server. The submissions of the Applicant show that the Applicant has a direct link with Tank Tech LLC.

32. It is well settled that the power exercisable under Section 482 of BNSS for granting anticipatory bail is extraordinary in character and is to be exercised only in exceptional cases, where it appears to the Court that the person may be falsely implicated or there are reasonable grounds for holding that the person, who is accused of the offence is not likely to otherwise misuse his liberty. (Re: **State of Madhya Pradesh v. Pradeep Sharma**³). The Applicant joined the proceedings on 20.12.2024 and sought time to bring his laptop on 21.12.2024 but failed to turn up on the said date. The Applicant has failed to give any reasonable explanation for not joining the investigation on 21.12.2024.

33. Therefore, keeping in view the magnitude of the online fraud against witless users, where the perpetrators i.e., the owners and promoters of Tank Tech LLC are untraceable and the Applicant herein is the critical link, who is admittedly connected to the said Tank Tech LLC as well as its servers and keeping in view the fact that the Applicant has failed to appear for investigation on 21.12.2024, this Court finds that the Applicant has not been



able to make out a case for grant of anticipatory bail.

34. Accordingly, the present bail application stands dismissed.

35. Pending applications, if any, stands disposed of as infructuous.

36. Needless to state that nothing herein shall be construed as an expression of opinion on the merits of the case, or the investigation that is yet to be concluded.

MANMEET PRITAM SINGH ARORA, J

FEBRUARY 12, 2025/hp/ms

Click here to check corrigendum, if any

³ 2014 (2) SCC 171