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

\+ BAIL APPLN. 633/2025&CRL.M.(BAIL) 297/2025

DEEPANSHU GOEL .....Petitioner

Through: Mr. K. Sultan Singh, Sr. Adv., Mr. Aditya Vikram Singh, Mr. Rohan Wadhwa, Ms. Payal Goyal, Advs.

versus

STATE OF NCT OF DELHI .....Respondent

Through: Mr. Digam Singh Dagar, APP for the State.
Insp. Kishan Vir Singh, Sec-1, EOW.
Mr. Karanjot Singh Mainee, Mr. Sahil Chopra, Mr. Azeem Parvez, Advs.

CORAM:
HON'BLE MR. JUSTICE AMIT SHARMA

O R D E R

% **11.03.2025**

1. This hearing has been done through hybrid mode.

2. The present second application under Section 483 of the BNSS (Section 439 of the Cr.P.C.) has been filed seeking regular bail in case FIR no. 56/2024, under Sections 201/409/419/420/467/468/471/120B of the IPC and Sections 43/66 of the IT Act, 2000, registered at PS EOW, Delhi.

3. Status report dated 03.03.2025 authored by Mr. Virender Kadyan, Asst. Commissioner of Police, Section 1/EOW/ Mandir Marg, New Delhi has been handed over in Court today and the same is taken on record. The case of the prosecution against the present applicant as per the status report is as under:

> **"1)**That the facts of the case are that the above case was registered on the complaint of Mr. Shakti Raj S/o Rajendra Prasad Srivastava, Branch Manager, Meera Bagh Branch, HDFC Bank, New Delhi with

the grievance in brief that a credit card with credit number- 36101021875590, was issued on 02.02.2024 to one customer namely Ms. Weatherly Ann Schwab wherein the total credit limit of the said credit card was utilized in its entirety amounting to Rs. 8,79,713/- (Rupees Eight Lakhs Seventy-Nine Thousand Seven Hundred and Thirteen Only) majorly at some petrol pump stations located at Azamgarh and Gorakhpur locations. The complainant further alleged that on further enquiry, it was observed that a customer's savings account no. 01911140024362 in HDFC Bank, which was dormant from 28.09.2018 till 26.12.2023 with account balance remaining as Rs. 24.48 lakhs, had undergone substantial demographic changes (as in related to mobile no., email and address etc.) and hence, the entire remaining balance as aforesaid was withdrawn via RTGS/ NEFT and IMPS transactions. It was also alleged by the complainant that the beneficiaries of the aforesaid suspicious transactions were having a common connection with 7 other accounts as well belonging from different areas such as Delhi, Gurgaon, Rewari and Sonipat branches of the complainant bank. It was further informed that an approx. amount of **Rs. 303.24 lakhs was cheated**. Accordingly, the case was registered and investigation taken up.

2)During investigation, the complainant, Mr. Shakti Raj was examined and he stated that he joined the HDFC Bank on 13/09/2006 and presently posted at Meera Bagh Branch as Branch Manager, New Delhi. Thereafter, on joining the Meera Bagh Branch, he discovered that during the 'Bank internal business monitoring' process by their respective department, a few cases had been highlighted pertaining to the accounts associated with customers namely Lt. Sh. Rattan Lal Suri, Lt. Sh. Rabindra Kumar Ghosh, Sh. Akira Sonoda and Ms. Makoto Wakamura. Apart from above cases, 4 more accounts also came to Bank Notice which are from different branches of HDFC Bank Ltd.

3)Thereafter, on the basis of the information as received from the complainant vide his complaint, the bank accounts of the alleged account holders/ beneficiaries were freezed, as huge public money was involved.

4)During investigation, notices were issued to the beneficiary account holders namely Rambir of M/s Icon Overseas and Ashish of M/s Anubhav Extrim and they were examined. During their examination, they stated that they had been approached by one

Deepanshu Goel who sought cash against online entries in these accounts. Furthermore, Deepanshu Goel also used to give commission for each and every transaction. Mr. Deepanshu Goel (applicant) was apprehended when he visited the said bank.

5)After being apprehended, Deepanshu Goel was interrogated at length and he could not give any convincing explanation regarding huge amount credited in his and his mother's account. Thereafter, on 03.06.2024, he was arrested in the present case. During investigation, his PC remand had been obtained.

6)During remand, his disclosure statement was recorded, wherein he disclosed that he met one Harinder Kumar Ghor at Burari and later, they both became good friends. Both of them were facing financial hardship and wanted to earn quick money. During December 2022/ January 2023, both Deepanshu Goel and Harinder Kumar Ghor went once to Kanhiya Nagar at Vicky Mechanic shop for repairing their vehicles, where, they met one Ram Prasad who was HDFC Bank employee. Thereupon, they in connivance with Ram Prasad planned to take out all the money left out in the dormant bank accounts at the HDFC Bank. It was Ram Prasad who had provided 250 pages bank record data belonging to Head office of HDFC Rajouri Garden and Moti Nagar offices, which contained nearly 20,000 account holder details. Thereafter, through Harinder Kumar Ghor, they (Deepanshu Goel and Ram Prasad) met Sunil Yadav and Ramashankar @ Sachin @ Santosh @ Rajat. Deepanshu Goel also disclosed that Ramashankar is the same person, whom he was earlier referring as Sachin. Sunil Yadav and Ramashankar both helped Deepanshu Goel in preparing the paper work for updating the documentation of dormant accounts. Later they met with bank employees Ajit Varshney, Himanshi and other through Abhinandan (working in Axis Bank) in August, 2023 and they all agreed to work with them and joined in the conspiracy. Thereafter, KYC Updation was done by them to reactivate the dormant accounts. Thereafter they updated KYC of dormant accounts and they also changed the demography details of dormant accounts.

7)Thereafter at the instance of Deepanshu Goel, on 05.06.2024, accused Ram Prasad was also arrested and his disclosure statement was recorded. He disclosed that he worked with HDB, a subsidiary of HDFC bank, from 10/11/2021 to 05/10/2022. At that time, he met one Vicky mechanic and his shop was near Kanhiya Nagar Metro

Station. It was Vicky who arranged Ramprasad's meeting with Deepanshu Goel and Harinder Kumar Ghor. He along with them conspired for easy earing through unauthorized access in the dormant bank accounts for which they agreed. Then they procured details of dormant accounts in HDFC. He (Ram Prasad) further disclosed that he unauthorizedly accessed the computers of HDFC bank to get the details of dormant accounts data and delivered it to Deepanshu Goel & Harinder Kumar Ghor and received his share of booty. He further disclosed that approx. 20000 accounts details from main Branch of HDFC at Moti Nagar were given to them. From the above account, they selected 8 dormant accounts and withdrew amount approx. Rs. 3.03 Crores from the said dormant accounts.

8)Thereafter at the instance of accused Deepanshu Goel, on 07.06.2024, Rama Shanker was also arrested and his disclosure statement was recorded. He disclosed that they had conspired to make fast buck through unauthorised access in the dormant bank accounts. He opened bank accounts by using his own photo in Bandhan Bank with his name as Rajat and also in HDFC bank with the names as Rajat and Santosh. He also opened an account in Bank of India in the name of Santosh. Thereafter he further disclosed that he deposited cheques in two dormant accounts of Ratan Lal Suri and Ravindra Kumar Ghosh at HDFC bank to get the same re-activated. He further disclosed that they obtained Sim cards in the fake names of Santosh and Rajat, in which he used his own passport size photograph in CAF (Customer Application Form).

9)During investigation, on 09.07.2024, accused namely Ajit Varshney, HDFC Bank employee was also arrested and after arrest he was thoroughly interrogated. During interrogation he disclosed that he had been working in HDFC Bank since 2021. He met Harinder Kumar Ghor, Deepanshu Goel, Abhinandan and Sunil in June 2021. He further disclosed that Harinder Kumar Ghor, Deepanshu Goel, Abhinandan and Sunil Yadav had conspired to earn easy money through unauthorized access in the dormant bank accounts. Deepanshu Goel and Harinder Kumar Ghor used to bring the details of the dormant accounts. After this, he got the dormant accounts details of Lt. Sh. Ratanlal Suri, Sh. Akira Sonoda, Lt. Sh. Rabindra Kumar Ghosh, Dilip C Kabali and Makoto and reactivated by doing their Re-KYC at Meera Bagh branch. He also got the TPT (Third party transfer) of Lt. Sh. Ratan Lal Suri, Akira Sonoda and cheque book issued for Lt. Sh. Ratan Lal Suri and Dilip C Kabali accounts. Deepanshu Goel and Harindra Kumar Ghor used to come and give his share of money outside his office.

10) During investigation, Mr. Deepanshu Tagla (Proprietor of M/s Murti Traders), S/ Jitender Kumar, R/o 19, SCF, Additional Mandi, Sirsa, Haryana, also joined the investigation. He stated that he runs a rice, wheat, grain, etc., trade business at Lawrence Road, Delhi and Sirsa, Haryana. He further stated that two persons namely Deepanshu Goel and Harinder Kumar Ghor came to his shop with the reference of Shri Modi Traders who are also mediators/ brokers of rice, wheat etc. and thereafter, Deepanshu Goel and Harinder Kumar Ghor asked him for the supply of grains and they wished to pay in cash and therefore he took their order and they paid him Rs. 45 lacs in cash. Furthermore, at the time when he was about to make their orders ready, they both again approached him and desired to cancel their orders quoting some family issues emerging out of a financial urgency. Thereafter, Mr. Deepanshu Tagla returned their money in their account in two transactions of Rs. 21.75 Lacs and 22.75 lacs respectively in the account of Deepanshu Goel and Harinder Kumar Ghor.

11) Further, the CDRs of the present applicant was also obtained and as per the CDR analysis of the alleged Deepanshu Goel, it had been revealed that he is the master mind and was regularly in touch with the other associates namely Harinder Kumar Ghor, Abhinandan, Rama Prasad, Himanshi, Sunil Yadav, Rama Shanker, Rambir and Ajit Varshney.

12) In addition to this, the complainant Bank of the instant case has also produced the CCTV footage along with the certificate U/s 65 B Evidence Act of the different HDFC bank branches and ATMs, in which present applicant Deepanshu Goel is clearly visible inside the ATM along with Rama Shanker @ Rajat @ Santosh @ Sachin. Further, the applicant is seen operating an ATM at Burari, Delhi to change the mobile number of one of the dormant account holders of HDFC bank, namely Lt. Ratan Lal Suri finally changed the mobile numbers of that account.

13) Furthermore, it is submitted that on 30.08.2021, Chargesheet under Section 173(2) Cr.P.C has been filed on 29/08/24 before the Ld. CJM Court, Tis Hazari Court (West) U/S: 201/409/419/420/467/468/471/120B IPC r/w 43/66 IT Act against Deepanshu Goel, Ajit Varshney, Ram Prasad and Rama Shanker @

Rajat @ Santosh @ Sachin. All the four accused persons are in judicial custody. The case is presently pending trial in which NDOH is fixed for 03/10/2024."

4. Learned Senior Counsel appearing on behalf of the applicant submits that the applicant was arrested on 03.06.2024 and has been in judicial custody since then. It is pointed out that the chargesheet in the present case has been filed and the case is pending at the stage of Section 230 of the BNSS (Section 207 of the Cr.P.C.) for the supply of documents before the concerned Court. It is submitted that in the present chargesheet, 4 persons were arrayed as accused(s), out of which apart from the present applicant, 3 other co-accused persons had already been granted bail. It is further submitted that as per the case of the prosecution, out of the 3 co-accused persons, one co-accused namely, Ram Prasad Nishad, who was an employee of the HDFC Bank was the one who had given all the details of the dormant bank account numbers as well as had facilitated the commission of the crime.

5. It is further submitted that the money which was alleged to have come to the account of the applicant is from third parties. Further, the main accused persons, even as per the case of the prosecution, are still absconding. It is further pointed out that the allegations made in the present chargesheet, primarily, are based on the disclosure statement of the present applicant as well as the other co-accused persons. Thus, in these facts and circumstances, it is pointed out that all the evidence is documentary in nature and that the same is in the possession of the Investigating Officer and no further purpose will be served by keeping the present applicant in judicial custody.

6. *Per contra,* learned APP for the State, on instructions from the Investigating Officer and assisted by the learned counsel appearing on behalf of the complainant, submits that the present applicant was the kingpin of the crime. He, at the first instance, submits that there is some typographical error in the status report inasmuch as it has been inadvertently recorded therein that the other co-accused persons are in judicial custody. He further submits that there is CCTV footage on record, in which the present applicant alongwith the co-accused Rama Shanker @ Sachin @ Rajat @ Santosh, is seen operating an ATM in Burari, Delhi in order to change the mobile number of one of the dormant account holders, namely of Lt. Ratan Lal Suri. It is further submitted that the CDR of the present applicant has been analysed and as per which, he was found to be in regular touch with other co-accused persons namely, Harinder Kumar Ghor, Abhinandan, Rama Prasad, Himanshi, Sunil Yadav, Rama Shanker, Rambir and Ajit Varshney and the same points out that he was the kingpin.

7. It is further submitted that an amount of Rs. 23,00,000/- and Rs. 5,00,000/- approximately have been found deposited in the account of the present applicant and his mother respectively and no explanation has been given by him with regard to the money in the said accounts. It is further submitted that another sum of Rs. 17.34 Lakhs and Rs. 58,000/- have been received in the account of his mother from the account of co-accused Harinder Kumar Ghor and another sum of Rs. 22,75,000/- has been received in the account of the applicant from the bank account of Murti Traders. Further, a sum of Rs. 13,61,000/- has been received in the account of the applicant from the bank account of one Sh. Chetan Malik. It is also alleged that another sum of Rs. 50,000/- has been received in the account of the

present applicant from the bank account of co-accused Arvind Kumar. It is further submitted that further investigation in the present case is continuing.

8. Learned counsel appearing on behalf of the complainant submits that the present applicant is the kingpin and another complaint has been filed against him with regard to the same *modus operandi.* Reliance is placed on the following judgments: -

i) **Centrum Financial Services Limited vs. State of NCT of Delhi and Another, (2022) 13 SCC 286: 2022 SCC OnLine SC 100**; and

ii) **Somnath Prajapati vs. State (NCT OF Delhi)**, BAIL APPLN. 1745/2023, disposed of *vide* order dated 29.02.2024;

9. It is further submitted by learned counsel for the complainant that release of the applicant, at this stage, will hamper further investigation in the present case. It is further submitted that the applicant, in his disclosure statement, has categorically stated that he had been participating in forging of the documents.

10. Heard learned counsel for the parties and perused the records.

11. The case of the prosecution primarily is based upon documentary evidence with respect to the KYC documents of various account holders of the dormant bank accounts of the complainant bank, which were used for the purpose of deactivation.

12. On a pointed query from the Investigating Officer who is present in the Court with regard to the material on the basis of which it is alleged that the applicant was responsible for creating these KYC documents, it is pointed out that, at this stage, it is on the basis of the disclosure statement of the applicant and various other co-accused persons. Further, it is submitted

that the documents seized have been sent to FSL for examination and the report with regard to the same is still awaited.

13. Admittedly, it is the case of the prosecution that the present applicant in conspiracy with the other co-accused(s), who have been charge-sheeted namely, Ram Prasad Nishad, Ajit Varshney and Rama Shanker Gupta @ Santosh @ Sachin @ Rajat, were involved in the present case for the commission of the offences alleged against them. The three aforesaid co-accused persons have been granted bail by the learned Trial Court. The judgments relied upon by the learned counsel for the applicant are distinguishable on the facts of the present case inasmuch as in **Somnath Prajapati (*supra*),**the concerned applicant was actually running an Aadhaar centre and on basis of that he had been defrauding people by using their biometric data and photographs. Further, during 07 days of police custody of the applicant therein, several forged Aadhar cards, Voter ID cards and PAN cards were recovered, most of which had the photographs of the accused persons but with different names and addresses. On the said ground, it was observed that there was an apprehension of the said accused/applicant therein fleeing from justice. In **Centrum Financial Services Limited (*supra*),**the accused therein, was again involved in creating forged documents by misusing PAN Cards and Aadhaar cards.

14. In **Sanjay Chandra vs. Central Bureau of Investigation, (2012) 1 SCC 40**, the Hon'ble Supreme Court held as under:

> "**21. In bail applications, generally, it has been laid down from the earliest times that the object of bail is to secure the appearance of the accused person at his trial by reasonable amount of bail. The object of bail is neither punitive nor preventative. Deprivation of liberty must be considered a punishment, unless it is required to ensure that an accused person will stand his trial when called**

upon. The courts owe more than verbal respect to the principle that punishment begins after conviction, and that every man is deemed to be innocent until duly tried and duly found guilty.

22. From the earliest times, it was appreciated that detention in custody pending completion of trial could be a cause of great hardship. From time to time, necessity demands that some unconvicted persons should be held in custody pending trial to secure their attendance at the trial but in such cases, "necessity" is the operative test. In this country, it would be quite contrary to the concept of personal liberty enshrined in the Constitution that any person should be punished in respect of any matter, upon which, he has not been convicted or that in any circumstances, he should be deprived of his liberty upon only the belief that he will tamper with the witnesses if left at liberty, save in the most extraordinary circumstances.

23. Apart from the question of prevention being the object of refusal of bail, one must not lose sight of the fact that any imprisonment before conviction has a substantial punitive content and it would be improper for any court to refuse bail as a mark of disapproval of former conduct whether the accused has been convicted for it or not or to refuse bail to an unconvicted person for the purpose of giving him a taste of imprisonment as a lesson."

(emphasis supplied)

15. The chargesheet *qua* the present applicant has been filed. The matter is at the stage of supply of documents. The evidence against the present applicant is documentary in nature and such documents demonstrating the alleged chain of transactions have been recovered and are in possession of the Investigating Agency. All other chargesheeted accused persons are on bail. The applicant has been in custody since 03.06.2024. It is also stated that the present applicant is not involved in any other previous offence.

16. In totality of the facts and circumstances, the applicant is directed to be released on bail on his furnishing a personal bond in the sum of Rs. 50,000/- with one surety of like amount,to the satisfaction of the learned Trial Court/Link Court, further subject to the following conditions:

i. The applicant shall not leave India without prior permission of the learned Trial Court.

ii. The applicant shall report at the concerned Police Station, on 2nd Friday of every month at 04:00 PM. The concerned officer is directed to release him by 05:00 PM after recording his presence and completion of all the necessary formalities.

iii. The applicant shall intimate the learned Trial Court by way of an affidavit and to the Investigating Officer regarding any change in residential address.

iv. The applicant shall appear before the learned Trial Court as and when the matter is taken up for hearing.

v. The applicant is directed to give his mobile number to the Investigating Officer and keep it operational at all times.

vi. The applicant shall not, directly or indirectly, tamper with evidence or try to influence the witness in any manner.

17. The application is allowed and disposed of accordingly.

18. Pending application(s), if any, also stands disposed of.

19. Needless to state that, nothing mentioned hereinabove is an opinion on the merits of the case and observations made herein are only for the purpose of the present bail application.

20. Copy of the order be sent to the concerned Jail Superintendent for necessary information and compliance.

21. Order be uploaded on the website of this court *forthwith*.

AMIT SHARMA, J

MARCH 11, 2025/*kr/Pc* *Click here to check corrigendum, if any*